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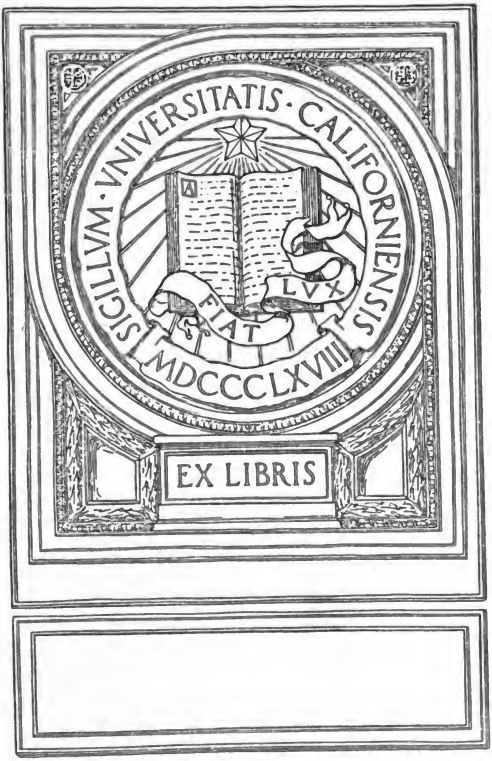

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Contents,

Instructions to Mustering Officers, and Others of Kindred Duties.

Instructions for Officers on Out-Post and Patrol Duty, and Troops in Campaign.

Instructions for the Government of Armies of the United States, in the Field. Prepared by Francis Lieber, LL.D.

Articles of War. 1806.

Military Commissions.

Maximilian's Proclamation - Laws of War. Guerillas, etc.

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INSTRUCTIONS

TO

MUSTERING OFFICERS

AND

OTHERS OF KINDRED DUTIES.

INSTRUCTIONS

FOR MAKING

MUSTER-ROLLS, MUSTERING INTO SERVICE PERIODICAL PAYMENTS,

AND

DISCHARGING FROM SERVICE VOLUNTEERS OR MILITIA.

U. S. War Dept.

REVISED.

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WAR DEPARTMENT.

November 20, 1863.

The following "Instructions for making muster-rolls, for mustering into service, for periodical payments, and for discharge from service, of volunteers or militia," having been duly examined, are approved, and will be carried into effect.

EDWIN M. STANTON,
Secretary of War.

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INSTRUCTIONS

FOR MAKING

MUSTER-ROLLS, MUSTERING INTO SERVICE, PERIODICAL PAYMENTS, AND DISCHARGE FROM SERVICE OF VOLUNTEERS OR MILITIA.

CAPTIONS OF MUSTER-ROLLS.

1. The caption of rolls will embrace the name of the captain or permanent commander and letter of the company; the number of the regiment, the State to which it belongs, whether mounted or foot, volunteers or militia; the name of the colonel or permanent commanding officer; by whom, and under what act of Congress, it was called into service; where and when enrolled, and the term to be served; by whom, where, and when, or in what month, the company was organized; and (with the exceptions shown in the forms below) when it arrived at the general rendezvous, and the distance between that and the place of organization; and when discharged. The muster-rolls for payment will show the time for which the muster is made, as the first one from date of enrolment, and subsequent ones from the time the company was last paid (without regard to any intermediate muster) to the time the new muster is to be made—generally for two months—but more or less according to circumstances.

2. The following is the purport of the captions for the several kinds of musters which may occur:

3. The words and figures between brackets [ ] throughout are inserted to make the meaning of the caption and remarks clear; the appropriate ones will be used on the rolls.

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No. 1.—FOR MUSTER INTO SERVICE.

4. Muster-roll of Captain [John Smith's] company [A] in the [1st] regiment of [Maryland] mounted (or foot) volunteers, commanded by Colonel [Thomas Tod,] called into the service of the United States by [the President,] under the act of Congress approved [July 22, 1861,] at [Baltimore, Maryland,] (the place of general rendezvous,) on the [25th] day of [July, 1861,] to serve for the term of [three years or during the war] (or for twelve months) from the date of enrolment, unless sooner discharged. The company was organized by Captain [John Smith,] at [Cumberland,] in the month of [July, 1861,] and marched thence to [Baltimore,] where it arrived the [25th] day of [July,] a distance of [one hundred and twenty-five] miles.

No. 2.—FOR FIRST PERIODICAL PAYMENT.

5. The same as No. 1 to the words sooner discharged—from the [25th] day of [July, 1861,] when enrolled, to the [31st] day of [October, 1861.] The company was organized by Captain [John Smith,] at [Cumberland,] in the month of [July, 1861,] and marched thence to [Baltimore,] where it arrived the [25th] day of [July,] a distance of [one hundred and twenty-five] miles.

No. 3.—FOR ALL SUBSEQUENT PERIODICAL PAYMENTS.

6. The same as No. 1 to the words sooner discharged—from the [31st] day of [December, 1861,] when last paid, to the [29th] day of [February, 1862.] The company was organized by Captain [John Smith,] at [Cumberland,] in the month of [July, 1861.]

7. The distance from Cumberland (the home of the com-

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pany) to Baltimore, 125 miles, will, or should be, paid for on the first periodical muster, and need not, therefore, be continued on any subsequent rolls. It will be inserted in the caption and —— column till paid for. The place of company organization must be shown on all rolls during the term of service.

No. 4.—FOR DISCHARGE AFTER ONE OR MORE PAYMENTS HAVE BEEN MADE.

8. The same as No. 1 to the words sooner discharged—from the [29th] day of [February, 1862,] when last paid, to the [4th] day of [July, 1862,] when discharged. The company was organized by Captain [John Smith,] at [Cumberland,] in the month of [July, 1861.]

No. 5.—FOR DISCHARGE WHERE NO PAYMENT HAS BEEN MADE.

9. The same as No. 1 to the words sooner discharged—from the [25th] day of [July, 1861,] when enrolled, to the [4th] day of [July, 1862,] when discharged. The company was organized by Captain [John Smith,] at [Cumberland,] in the month of [July, 1861,] and marched thence to [Baltimore,] where it arrived the [25th] day of [July,] a distance of [one hundred and twenty-five] miles.

10. If the blank muster-rolls, furnished for use, do not contain all that is directed above, in each case, they will be altered by the required additions in writing. The words when discharged must be written, if not there already, next after the last date of the term, to which the muster is to be made, on all rolls for that purpose.

11. It is expected that muster-rolls for discharge, of large size, and with the addition which will be found in paragraph 49, will be prepared and furnished seasonably for that pur-

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pose; if not, the blanks now in use (for payment) will be altered by the additional two columns. The blank rolls for discharge should contain a large excess of lines beyond the prescribed organization, for the names of all who have died, been discharged, &c, &c., and the column of remarks should be near a foot wide for necessary remarks.

12. Where a change of captain or colonel has taken place, by promotion or otherwise, the name of the new captain or colonel will be embraced, and the name of the first commander will be interlined after company, as [late Smith's,] or after regiment, as [late Tod's,] so that the original commanders may be shown during the whole term.

13. If any other person than the President called the force into service, the name of such person, with his official rank or station, will be inserted in the caption, and under what law, authority, or circumstances the call was made: vide paragraph 1640, Army Regulations, and an act to amend an act calling forth the militia, promulgated in G. O. 91, Adjutant General's office, 1862.

14. The date of enrolment in the caption and one of the columns will be that of the day of the arrival of the company, with organization complete or full, at the place of general rendezvous, in compliance with orders from the proper authority, but not prior to the day specified in the order; which date of enrolment will be the commencement of the term of service and of public supplies, unless otherwise specially directed, without regard to the date of muster or that of previous company organization.

NUMBERS OF ROLLS TO BE MADE.

15. For muster into service there will be four copies of muster-roll, viz: one for the captain, one for the Adjutant Gen-

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eral at Washington, one for the adjutant general of the State, and one for the Paymaster General; for periodical payments there will be four copies—two for the captain and adjutant general, and two for the paymaster; and for discharge from service there will be five copies—four for the captain, adjutant general, and paymaster, as above, and one for Bounty Bureau at Washington.

16. The copies for the captain and paymaster will be left, by the mustering officer, with the captain, and the others transmitted by mail, or otherwise, according to their destination, with the return mentioned in paragraph 1639, Army Regulations.

FILLING UP THE MUSTER-ROLLS.

17. In making muster-rolls, where the number of lines on the sheet will admit, give two lines to each commissioned officer, to afford room for necessary remarks; and leave a blank line between lieutenant and sergeant, between sergeant and corporal, and so of the grades below.

18. Number (in the marginal column only) the captain 1; 1st lieutenant 1; 2d lieutenants 1, 2; commissary sergeant, quartermaster sergeant, sergeants 1, 2, 3, 4; corporals 1, 2, 3, 4; musicians 1, 2; artificers 1, 2; farriers or blacksmiths 1, 2; saddlers 1; privates 1, 2, 3, and so on; or according to the numbers in each grade embraced on the roll—every grade, on any roll, will commence with No. 1—and the recapitulation will then show a corresponding number of each grade.

19. The names of officers resigned, discharged, transferred, promoted, or died, will be inserted on the next muster-roll thereafter among the commissioned officers, (not at the bottom of the roll,) with appropriate remarks.

20. The Christian name, or the first one, as John B. Smith, must in all cases be written at full length—not the first letter

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of it; and the names of every grade must exactly correspond, by numbers, on all the rolls made for any muster.

21. In the column of rank, (the 3d,) designate the sergeant on the first or upper line as 1st sergeant, the others as sergeants, simply, without numbering them in that column, as also the corporals, &c. First sergeant is the title, by law, of the orderly sergeant, who may be appointed to the duty by the captain from any of the sergeants.

22. In field and staff rolls, the regimental rank, as well as staff office, must be shown in the third column.

23. The ages of all officers and men will be placed in figures opposite their names, and continued without change, during the term, in the fourth column.

24. The fifth column will be filled with the date of arrival (as mentioned in paragraph 14) at the place of general rendezvous, which is generally also the place of muster; and the dates, respectively, of such as may, under legal authority, join and be received as recruits afterwards at that or other places. The supplies and pay, by time, will commence with such dates; all previous allowances will be in proportion to the distance travelled, having respect to grades.

25. This column on rolls of field and staff, as well as the time of enrolment in the caption, will be filled with the date on which the colonel or commanding officer was elected or appointed; and so (in the column) of the others, field and staff, as the commencement of the official term for payment respectively. But in no case can any one (except those in the staff appointed by the President) go back beyond the day when the regiment or prescribed command became complete in its organization by the arrival of the tenth or last company at the place or places of general rendezvous, or the dates subsequently of election or appointment to office.

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26. If compensation be claimed for any prior service, as by the colonel, for superintending, under legal authority, the formation, assembling, and command of the companies at the general rendezvous, a remark will be made embracing the facts in the column of remarks; and a copy of the order for performance of the duty must accompany the roll for payment.—(See paragraphs 28, 64.)

27. The sixth column, where, will contain the name of the place of general rendezvous, (not the place of company organization,) as that of the enrolment of those present at the original muster; the places, if any, where individuals may have engaged and joined the company on the march to or in [Mexico,] or the places where men have been enlisted by recruiting officers, after the muster of the company into service, to serve in the regiment. The dates of the actual joining of all such men (not present at first muster) will be given in the column of remarks.

28. The seventh column will show the name of the officer (generally the captain) who raised and organized the company on the lines of all who were present at first muster; opposite the names of those who joined afterwards, as in paragraph 24, will be inserted the name of the recruiting officer.

29. The first column, under travelling, will contain the distance, in plain figures on each line, which each person may have travelled as a member of the company from his home—the place of company organization preferable—to the place of general rendezvous, by the nearest practicable road for wagons. All such as join at other places, or subsequently, are not entitled to any distance for travel, and the word none will be written opposite their names, and also those of recruits, who will be under pay from the dates of their enlistment.—(See paragraph 7 for discontinuance of these figures.)

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30. The next column, under travelling, is of no use on the roll for muster into service and for periodical payments, and might have been left out. But on the roll for discharge, that column will be filled with the distance, in figures, from the place of discharge to that of company organization, or to the places where men may afterwards have joined or been enlisted under proper authority, by the nearest practicable route.—(See paragraph 29.)

31. But where the company is discharged in [Mexico,] or other place, and the officers and men, or any of them, are to be furnished with transportation, thence by water, to some other place nearer their homes, then the distance for travel, in that column, will be calculated from the place where they are to be landed; and the persons so transported may be furnished with subsistence in kind or paid the per diem allowance therefor, as they may prefer, and paid for a reasonable number of days beyond the date of muster for discharge on that passage by water; and the number of days aforesaid—the average time of voyage by such vessel as the men are to take passage in—to be determined by the mustering officer, on consultation with the chief quartermaster—will be stated by the mustering officer and captain in a note on the muster-roll, and whether subsistence has or has not been furnished in kind for the passage.

32. The amount of money, if any, advanced for clothing, and the value of clothing issued in kind, will be entered in the column for that purpose, and continued on every roll till liquidated; the mustering officer will see that the amount for clothing in kind be properly calculated by the table of cost.

33. If any field or staff officer, or non-commissioned staff officer, shall have been elected or appointed from a lower grade after the arrival at the general rendezvous, or after any part of his term which has not been paid for, then say, in the column

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of remarks opposite his name, elected (or appointed) at [Baltimore, July 28,] and joined, by transfer, from [sergeant] in Captain [John Smith's] company, in which he was enrolled at [Baltimore,] the [25th of July,]—the distance, 125 miles, to be paid for as [sergeant.]—See paragraph 25.

34. The rolls of field and staff will embrace the names of the medical and other officers, including chaplain, appointed by the governor or other authority and assigned to the regiment, with dates of appointments, and, in the column of remarks, when joined for duty. Also the names of adjutant and quartermaster, (who will perform also the duties of commissary of subsistence, if there be none by commission with the regiment,) with the date of staff appointment, and the remarks, as in the preceding paragraph, in relation to when appointed, and his company—if the regiment is artillery—and the rate for distance travelled.

35. Where no quartermaster or commissary, appointed by competent authority, is present with the regiment, or with one or more companies when detached by legal authority, the colonel or commanding officer will assign a lieutenant to the duty—he will act in both departments with detachments—who will be mustered on field or staff roll for the established extra pay for the time of such service.

36. The roll on which any person is properly mustered will show by grade, when last paid, and by remarks, everything that is necessary in relation to his pay, &c., without the necessity of referring to any other or previous roll.

CHANGES OF GRADE, PROMOTIONS, REDUCTIONS.

37. The names of all persons must be among those of the grade (according to relative rank, or, if privates, alphabetically) to which they belong at the time of the muster to be made.

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If a person has been appointed or promoted within the period embraced, or since he was last paid, say, in the column of remarks: Appointed (or elected or promoted, as the case may be) from [private, July 28,] and if he came from another company, say, appointed (or elected, &c.) from [sergeant in Smith's] company, [July 28,] and joined by transfer, order of Colonel [Tod.] If reduced within the time as above, say, reduced from [sergeant, July 28,] by sentence of regimental court-martial, or, reduced from [sergeant, July 28,] by order of Colonel [Tod,] or otherwise, as may be necessary.

38. If one man has been appointed or promoted in place of another, say, (following the date as above,) vice [Wood,] resigned, deceased, discharged, transferred, or promoted, as the case may be.

SICK, WOUNDED IN BATTLE, AND IN CONFINEMENT, PRESENT.

39. For such cases, say sick, or wounded in battle of [Palo Alto,] and in hospital, or in confinement, whichever may be proper.

40. The tours, by daily detail, of officers and men for guard and other duties at camp, will not be regarded on muster-rolls. All such will be reported as present. It is desirable, where the service will admit, that those on such duties may be called off for muster while their regiments are on parade; and also that the sick and confined, as far as practicable, be with their companies. This will save much time and greatly facilitate the labor of the mustering officer and captain.

ABSENTEES, HOW ACCOUNTED FOR.

41. All the officers and men not on duty with or subsisted in the company, or if on duty in any staff department in the same camp and not subsisted in the company, or who have

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been captured by the enemy, must be accounted for accordingly, as by one of the following: Absent with leave for [twenty] days from [October 12,] order of Colonel [Tod] or of General [Taylor.] Absent without leave from [October 12.] Absent, wounded in battle of [Palo Alto] and in hospital at [Point Isabel.] Absent, sick at [Monterey] from [October 12.] Detached service, in quartermaster's department, subsistence department, as hospital steward or attendant, in pioneer party, on escort duty, (or otherwise, as the case may be,) at [Matamoras,] from [October 12,] order of Colonel [Tod.] Absent, captured by the enemy at [Encarnacion, January 22.] If any officers or men are absent as prisoners of war at the muster for discharge, say opposite their names, (which will occupy the appropriate places in their respective grades,) prisoner of war in [Mexico] from [January 22.]

42. Prisoners of war are entitled to be in service and under pay till they are exchanged, and for the time necessary for returning to their homes.

43. When officers or men are on duty, out of their company, in any of the staff departments, (not guards, police, or fatigue details,) they will be reported on detached service in preference to extra duty, whether serving in the same camp or not; they are detached when not subject to the orders of their captain for duty.

44. In accounting for absentees, &c., give the name of the place, month, and day of the month in the order here written, and the name of the officer who ordered the duty, or gave the leave following.

ALTERATIONS SINCE LAST MUSTER—GAIN BY RECRUITS, TRANSFERS, ETC.

45. When officers or men join the company by transfer or enrolment, their names will be entered on the ensuing muster-

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roll in their appropriate places—alphabetically, if privates—with the when, where, and by whom enrolled or engaged (when the service, by agreement, commenced) in the respective columns; and in the column of remarks say, joined a recruit [November 10,] or joined by transfer from company [B] [November 10,] order of Colonel [Tod.]—(See paragraphs 14, 27, 33, 37.)

ALTERATIONS SINCE LAST MUSTER—LOSS BY "DIED, DISCHARGED, DESERTED," ETC.

46. If any men (not officers) have been killed in battle, are missing after battle, (not supposed to have been captured,) have died, deserted, been discharged, or transferred during the time for which the muster is made, their names will be omitted where they stood previously, and placed at the bottom of the rolls in the order as above, with a blank line between the last private and the names of those killed, or others, and also between killed, missing, died, &c.; which words, killed in battle, missing, died, &c., or such of them as may necessarily be used, will be written on the blank line (in the column of names) above each of the lists of names killed, missing, died, &c.; or if there be not room on the roll for blank lines, then the words may be written in the marginal column, perpendicularly, on the left of the figures or numbers in each list. The names of commissioned officers who have so gone out of the service will stand in their appropriate places on the next muster-roll, followed by the name of the one, if any, appointed to replace them. The first line of each of these lists of men will be filled up complete, with dates, &c., of enrolment and muster, not by reference or dots. In the column of remarks opposite the names of officers and men of this description, say,

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killed in battle of [Palo Alto, May 9;] or missing after battle of [Palo Alto,] from [May 9;] or died of wounds received in battle of [Palo Alto, at Matamoras, May 12;] or died at [Monterey, October 19;] or missing after battle of [Palo Alto] from [May 9;] ——— discharged at [Saltillo, December 2,] on certificate of ——— surgeon ———, for ———, contracted or received at ——— in ———, 18—, (while in service, or while in the line of his duty, being engaged in firing a salute, or making a bridge, &c., &c., or by accident when off duty, or in a scuffle, or before enrolment,) by order of [General Taylor.] Give the disability or cause of discharge, with date, place, and manner of the contraction of the disease or injury, very full. Request the surgeon who gives the certificate to do so; as when, where, and how the injury occurred must be fully set forth in all cases, for ordinary disability as well as for pensions, and the captain's certificate and muster-roll will contain the same; or discharged at [Monterey, October 12,] with disgrace, for stealing from [Mexicans,] order of General [Taylor.] Appointed sergeant-major of the regiment, or [first lieutenant] in [Cone's] company [October 12] and transferred, order of Colonel [Tod.]

PAY.

47. When no pay has been received during the term from enrolment, say (across two columns under last paid) pay due from enrolment. If a payment has been made, then say, in the first of these columns, by whom the last payment was made, as Major [R. S. Dix,] and in the second mention the last day which the payment included, as [October 31,] or [November 30,] not the first day of the succeeding month.

48. If balances for pay or distance travelled prior to last month be still due, state the facts, with dates, distance, and rank or grade then held, in the column of remarks.

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BALANCES FOR SUBSISTENCE.

49. As commissioned officers are entitled to four or more rations of subsistence, the roll must show, in the columns therefor, whether any, and how many, have been received in kind during the term for which the muster is made, or since the last payment, opposite the name of each person. If the term of the muster and time unpaid correspond, say, in the columns respectively, all due, or all due but [31] rations; state in plain figures after the word but, the number of rations of each which have been received in kind for the time embraced. If the term of muster and time since last payment do not correspond, say, in like manner, all due from [November 30,] or all due from [November 30] but [60] rations. By these data the paymaster will calculate the balances due the officers.

50. On the lines of the sergeants, and other men who are entitled to but one ration daily, state the balances due to each in figures on every line, according to the number of days they may necessarily have furnished themselves, or have not been furnished in any manner by the United States. When no balance is due, say none, in one or both columns, as the case may require. The object of these two columns is to furnish the data by which the paymaster may calculate the amount due to each person, in money, for the period embraced.

51. Fractional or component parts of rations of subsistence cannot be estimated so as to make a balance of one or more entire rations; nor can any balance for subsistence accrue for any time for which a return may have been made for the company or person, either at company headquarters or elsewhere.

STOPPAGES.

52. For any arms and equipments, or other public property, lost through carelessness or not returned in good order, and to

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be paid for by the individual, and also for extra clothing issued, say in the column of remarks, (following all other remarks accounted for the men, changes of grades, &c.,) stop for one musket complete, one wiper, one sabre, one cartridge-box, &c., &c. Stop for one coat, one jacket, two shirts, one pair stockings, &c., &c., whatever is to be charged. The amount of the articles lost or issued will not be stated by the captain, but by the mustering officer in the column for that purpose. Stoppages on account of government will have precedence of all others.

53. All arms, equipments, and other public property must be charged for unless the loss was unavoidable and altogether beyond the control of the man. If loaned and not returned, or left where they should not be, as put into a wagon on the march, or if missing from the tent or other customary place for keeping them when the man is not necessarily absent by order, they must be charged; and if a man is ordered on duty without arms, away from his tent or quarters, the captain must see that his arms and other property are taken care of, or he himself will be charged with them if lost

LOSSES OF HORSES OR ARMS OWNED BY INDIVIDUALS, AND FOR WHICH PAYMENT WILL BE CLAIMED OF THE GOVERNMENT ON MUSTER-ROLL OF DISCHARGE.

54. After all the before-mentioned remarks and stoppages, the losses of horses or of arms will be stated on the muster-roll for discharge, as horse killed in battle, or horse died of sickness, of colic, of botts, in a fit, or from getting cast by his halter; or horse killed by accident, at [Monterey, October 28, 18—;] man remounted himself [same day] or [November 10, 18—,] or man not remounted, according to the fact; or horse failed for want of forage, from hard riding on forced march, or

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on express, and abandoned, or condemned, at [Monterey, October 28, 18—,] by order of [Colonel Tod;] or horse diseased with glanders, or farcy, and shot or condemned at [Monterey, October 28, 18—,] by order of [Colonel Tod;] or horse stolen, strayed, broke loose from camp or other place, strayed from grazing, in the daytime or at night, whether guarded, and how, or not, at [Monterey, October 28, 18—.] In all cases state the exact manner of death or loss, where and when, the name of the officer who ordered the condemnation or execution, and if the man remounted himself, and when, or if not remounted. If another horse was lost, say second horse died, &c., (or otherwise lost,) in same manner, as the case may require. The saddle, &c., will be added, if lost, and how.

55. If a man has been without a serviceable horse belonging to himself in consequence of his own neglect, or having disposed of his animal, or not remounted himself after the loss of one, or had the use of a public horse or the company horse of another man, say, not mounted from [August 4 to September 12.]

56. The loss of private arms and equipments by any of the men (provided they were legally authorized to equip themselves) may be stated, when the loss was unavoidable, and from no fault or carelessness on the part of the man. Name the article, its cost, manner, place, and time of loss. Officers are to furnish themselves, and cannot charge for such articles lost.

57. Claims for horses and private arms, lost in the service, will be made to the Third Auditor of the Treasury Department at Washington, after the expiration of the term; and, consequently, all such losses will be stated on the muster-roll of discharge only. But an official and full record of all losses

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will be kept by the captain or other officer in command, and preserved for reference after the discharge of the company.

DISCHARGE AND SUBSTITUTION OF MEN, AND EXCHANGE OF HORSES, FORBIDDEN.

58. After muster into service, or the prescribed enrolment of recruits to fill vacancies, no enlisted man of volunteers or militia shall be discharged before the expiration of his term of enlistment without authority of the War Department, except by sentence of a general court-martial, or on certificates of disability by the commander of the department, of an army, or army corps, in the field. All substitution or exchange of one man for another is illegal and unauthorized, and will bar both bounty and pension, and consequently that and the exchanging or "swapping" of horses which have been mustered into the service is positively forbidden.

MUSTERING OUT AND MUSTER-ROLLS FOR DISCHARGE.

59. The rolls for this purpose will be compared with thos of the first muster. All persons on the first rolls, and absent at the final muster, must be accounted for, whether dead, captured, discharged, or otherwise absent; and if the mustering officer, in any particular case, shall have cause to doubt the report entered on the rolls, he shall demand the oath of one or more persons to prove the fact to his satisfaction; further, he shall take care that not more persons of the several ranks be mustered out of service than were mustered in, if there be an excess over the requisition or beyond the law, nor recognize additions or substitutions, without full satisfaction that the additions or substitutions were regularly made, and at the time reported on the rolls. To fulfil the requirements of the act of Congress approved July 22, 1861, in relation to bounty,

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three copies of the muster-roll for discharge (one for the captain to retain, one for the adjutant general of the army, and one for the bounty bureau) will contain the names of all the persons who have been borne on the previous muster-rolls from the first, or the one of muster into service, and including such, if any, as may have joined the company since that muster, with the appropriate remarks opposite their names, showing when, where, how, and by what authority they joined or were enrolled.

60. The names of all those, except commissioned officers, who have been killed in battle, missing since a battle, have died, deserted, been discharged, transferred, or in any manner dropped from the company, during the whole term, will be placed, in the order here mentioned, below the name of the last private present, in the manner, and with remarks, as directed in paragraph 46, officers and men.

61. All the different grades, or rank, which any person may have held during the term, will also be noted in the roll of discharge, with dates of changes in the column of remarks. If the person be in his second grade (shown in the third column) at the time of muster, say, was [private] from enrolment to [September 4, 18—.] If in his third grade, say, was [private] from enrolment to [September 4;] then [corporal] to [October 31, 18—;] or was [sergeant] from enrolment to [September 4,] then [private] to [October 31, 18—.]

62. If the change, either up or down, took place since the last payment to the person, and his pay due is thereby affected, the remark, or the last part of it, will be, was [private, &c, &c., &c.,] then appointed, elected, promoted, or reduced, &c., &c., as directed in paragraph 33.

63. The two copies of roll for paymaster will not embrace the names of persons previously dropped from the rolls.

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64. But if no payment has been made before the muster for discharge, all the rolls will be alike, and embrace every name from the muster into service, or commencement of the term, with dates, &c., of those joined afterwards, as in paragraph 37, and all necessary remarks. But those killed, died, discharged, &c., will be put at the bottom of the roll, as directed in paragraphs 46 and 61.

65. The three rolls for discharge, (for captain, adjutant general, and bounty bureau,) mentioned in paragraph 60, will contain two additional columns, two and three inches wide, (as below,) to show to whom, and to what place, the soldier wishes to have his warrant for bounty addressed.

HORSE EQUIPMENTS.	WARRANT FOR BOUNTY FOR EACH MAN, HOW TO BE DIRECTED ON THE ENVELOPE.		REMARKS.*
	To whom.	What post office and place.	

*This column, on rolls for *discharge*, should be near a foot wide, for necessary remarks.

66. These columns will be filled up by the captain, who will consult, seasonably, all the men of his company, and conform strictly, in this respect, to their wishes.

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67. In all cases of casual discharge or death, under circumstances which entitle to bounty, the address as above, or late place of residence of the men deceased, will be given by the captain in a note at the bottom of his next roll for periodical payment, repeated, of course, on the roll for discharge. And the addresses thus entered on the rolls shall be read to the men present, in the hearing of the mustering officer, that his signature may authenticate also their wishes in that respect.

ORDER IN WHICH REMARKS WILL BE MADE.

68. Make the remarks, such as any case may require, in the following order of precedence: Joined, when, how, as in paragraphs 27, 45; appointed, promoted, or reduced, as paragraph 37; sick or confined, as paragraph 39; detached service, as paragraph 41; back pay due, as paragraph 48; stop for extra clothing or arms lost, as paragraph 53; claim for horse or private arms lost, as paragraphs 55, 57.

ARMS AND OTHER PUBLIC PROPERTY—HOW RECEIVED, ACCOUNTED FOR, AND RETURNED.

69. All arms, clothing, camp equipage, and other public property will be issued on requisitions made by the colonels of regiments, duly approved, and a register will be kept at regimental headquarters of all property so received, from whom received, and to whom (in the regiment) reissued. And all officers of the army who make such issues will make report thereof at the time, or in season for the ensuing muster for payment or discharge, to the inspector general or commanding general where the regiment may be serving, to be verified by the invoices and register of property received at regimental headquarters, to the end that mustering officers, for periodica payments or discharge, may cause the necessary stoppages to

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be made on the muster-rolls. These stoppages will include all arms and equipments furnished to commissioned officers for their personal use.

70. Arms, equipments, camp equipage, &c., which are furnished for public use during the term or campaign, must be re-delivered before the muster for discharge, and receipts therefor shown or accounted for by the decision of a board of survey, legally convened, as having been worn out in service, or lost, while in public use, by unavoidable accident, without any fault or negligence by him who had the property in charge. All deficiencies will be charged to the individual who had the property in use. Captains and other officers are responsible for the public property, such as arms, equipments, camp equipage, &c., issued to and in use by their men, to see that the articles are well preserved and returned or accounted for as above mentioned.

71. Therefore, preparatory to the muster for discharge, the officers who have had public property in their charge will make returns (in tabular form) of arms and equipments; of quartermaster's stores; of commissary's supplies; of medical supplies and surgical instruments; of clothing, (each department separate,) showing the amount or quantity *received*—to be verified by the register at regimental headquarters—to be accounted for either by issues or receipts from officers; issues of clothing to the men and charged on the muster-rolls; expended or worn out, or lost by unavoidable accident, and in what manner; and remaining on hand then, to be delivered. These returns must be authenticated before the mustering officer, by oath, and any deficiency of property not satisfactorily accounted for will be charged to the officer on the muster-rolls.

72. What is said of *captain* or *company* will apply to colonel or other officer having a muster-roll to make, in relation to men and property.

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73. The year (as "18—") need not be given in the column of remarks in relation to changes of rank, men joined, on detached service, and other circumstances, which may have occurred within the period for which the muster is made, (mentioned always in the caption,) unless the same months for different years are embraced, or more than twelve months included in the period.

74. Officers will conform strictly to the foregoing instructions, and be particularly careful to confine every word and remark to its appropriate column. Indebtedness, if any, of the troops to the State by which furnished will be charged on the muster-out roll.

75. Every officer and soldier present and in camp should be on parade with his company for muster, those on guard and in confinement, and, as far as practicable, the sick included. This will save much time to the mustering officer and others in the despatch of the important duties of the day, as every man must be seen by the mustering officer. Application should be made to the commanding officer, seasonably, to give the necessary orders to have the duty men, &c., join their respective regiments when they parade; to return to their places as soon as they answer to their names.—(See paragraph 40.)

76. The acts of Congress approved August 5, 1861, and July 5, 1862, appropriate certain sums of money for "*collecting, drilling, and organizing volunteers.*" Under this head the adjutant general of the army will furnish transportation and subsistence until the organization of the regiment—or company, if an independent one—is completed, and the said force mustered into the United States service by the regularly appointed mustering officer of the State or district. Accounts for expenditures will be rendered to the adjutant general. After muster into service the troops will be supplied and trans-

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ported by the administrative departments, and accounts rendered according.

77. The attention of officers supplying subsistence to volunteers in the process of their organization into companies and regiments, both prior and subsequent to muster, is called to the exorbitant prices demanded and paid for this object. Rations in kind will hereafter be issued whenever cooking facilities can be furnished to the troops, whether in squads or in larger bodies. If the rations cannot be contracted for at a reasonable rate, subsistence will be procured in bulk, and *issued* to the volunteers. In no case should the cost of the ration, uncooked, exceed nineteen cents, and at most of the points in the western States it should not exceed fourteen cents. When cooking facilities cannot be furnished, contracts for the rations, cooked, may be made at reasonable rates, and the necessity for the same must be clearly stated on the accounts. When board and lodging are necessary, the prices for each should be stated, and the aggregate cost of both must not exceed forty cents per day.

78. Transportation will be at the rate of two cents per mile for railroad travel, and at the current rates for stage and steamboat fare.

79. Whenever volunteers, or militia, are mustered for final discharge, on the expiration of their term of service, a discharge will be furnished for each officer and soldier, whether present or absent, except deserters. The blanks for these must be filled with great care and neatness, and signed (at the left hand) by the colonel for the field and staff, by the captains for their respective companies, and by the mustering officer, all officially, and by the mustering officer returned to the colonel and captains for delivery to the individuals.

80. Where troops are mustered out of service, final state-

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ments must not be given. The muster-out rolls take the place of final statements in such cases.

OF MUSTERING A REGIMENT OR OTHER FORCE INTO SERVICE.

81. An officer who is appointed to make a muster of any force into the service of the United States, on arriving at the place designated in his instructions, will, if the name of the commander and captains be not given in his order, ascertain from the proper authority who the commanders of the regiment and companies are to be. This information is generally obtained from the executive of the State. And he must be satisfied that the whole number of companies for the designated command are present, or on their way there, with organization complete, unless otherwise directed, before he commences the muster.

ORGANIZATIONS.

82. The following is the organization of regiments and companies of the volunteer army of the United States:

1. REGIMENT OF INFANTRY—*Ten companies.*

1 Colonel.
1 Lieutenant Colonel.
1 Major.
1 Adjutant, (an extra Lieutenant.)
1 Quartermaster, (an extra Lieutenant.)
1 Surgeon.
2 Assistant Surgeons.
1 Chaplain.
1 Sergeant Major.
1 Regimental Quartermaster Sergeant.
1 Regimental Commissary Sergeant.
1 Hospital Steward.
2 Principal Musicians.

Company of Infantry.

1 Captain.
1 First Lieutenant.
1 Second Lieutenant.
1 First Sergeant.

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4 Sergeants.
8 Corporals.
2 Musicians.
1 Wagoner.

And { 64 Privates—minimum. / 82 Privates—maximum.

Under-cooks.—(See page 28.)

2. REGIMENT OF CAVALRY—*Twelve companies or troops.*

1 Colonel.
1 Lieutenant Colonel.
3 Majors.
1 Surgeon.
2 Assistant Surgeons.
1 Regimental Adjutant, (an extra Lieutenant.)
1 Regimental Quartermaster, (an extra Lieutenant.)
1 Regimental Commissary (an extra Lieutenant.)
1 Chaplain.
1 Sergeant Major.
1 Veterinary Surgeon.*
1 Quartermaster Sergeant.
1 Commissary Sergeant.
2 Hospital Stewards.
1 Saddler-Sergeant.
1 Chief Trumpeter.

Company or troop of Cavalry.

1 Captain.
1 First Lieutenant.
1 Second Lieutenant.
1 First Sergeant.
1 Quartermaster Sergeant.
1 Commissary Sergeant.
5 Sergeants.
8 Corporals.
2 Farriers or Blacksmiths.
2 Trumpeters.
1 Saddler.
1 Wagoner.

And { 60 Privates—minimum. / 78 Privates—maximum.

Under-cooks.—(See page 28.)

*To be appointed at the War Department.—(See G. O. 259 of 1863.)

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3. Regiment of Artillery—*Twelve batteries.*

1 Colonel.	1 Chaplain.
1 Lieutenant Colonel.	1 Sergeant Major.
1 Major for every four batteries.	1 Quartermaster Sergeant.
1 Adjutant, (not an extra Lieutenant.)	1 Commissary Sergeant.
	1 Hospital Steward.
1 Quartermaster, (not an extra Lieutenant.)	2 Principal Musicians.

Battery of Artillery.

1 Captain.	4 Sergeants.
1 First Lieutenant.	8 Corporals.
1 Second Lieutenant.	2 Musicians.
1 First Sergeant.	2 Artificers.
1 Quartermaster Sergeant.	1 Wagoner, and

122 Privates.

Under-cooks.—(See page 28.)

To the above organization of a battery one first and one second lieutenant, two sergeants, and four corporals may be added, at the President's discretion. The field officers, chaplain, and regimental staff (commissioned and non-commissioned) will not be mustered or received into service without special authority from the War Department. As a general rule, artillery will be called for and received by batteries, thus rendering the field and staff unnecessary.

Regiment of Engineers—*Twelve companies.*

1 Colonel.	1 Chaplain.
1 Lieutenant Colonel.	1 Surgeon.
3 Majors.	2 Assistant Surgeons.

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1 Adjutant, (not an extra Lieutenant.)	1 Hospital Steward.
1 Quartermaster, (not an extra Lieutenant.)	3 Quartermaster Sergeants.
	3 Commissary Sergeants.

Company of Engineers.

1 Captain.	10 Sergeants.
2 First Lieutenants.	10 Corporals.
1 Second Lieutenant.	64 Artificers.
2 Musicians.	64 Privates.

UNDER-COOKS.

In section 10, act of March 3, 1863, it is enacted "That the President of the United States be, and he is hereby, authorized to cause to be enlisted for each cook [*two allowed by section* 9] two under-cooks of African descent, who shall receive for their full compensation ten dollars per month and one ration per day; three dollars of said monthly pay may be in clothing."

For a volunteer company the two under-cooks will be mustered into service, as in the cases of other soldiers. In each case a remark will be made on their enlistment papers showing that they are *under-cooks of African descent.* Their names will be borne on the company muster rolls at the foot of the list of privates. They will be paid, and their accounts will be kept, like other enlisted men. They will also be discharged in the same manner as other soldiers.

83. Chaplains must meet the requirements of section 8 of the act of July 17, 1862, as follows:

"No person shall be appointed a chaplain in the United States army who is not a regularly ordained minister of some

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religious denomination, and who does not present testimonials of his present good standing as such a minister, with a recommendation for his appointment as an army chaplain from some authorized ecclesiastical body, or not less than five accredited ministers belonging to said religious denomination."

After chaplains are appointed, under section 9 of the act of July 22, 1861, they must be mustered into service by an officer of the regular army, and thereafter borne on the field and staff roll of the regiment. Mustering officers, before mustering chaplains into service, will require from them a copy of the proceedings on which the appointment is based. The said copy, if found conformable to the requirements of the law, will be indorsed by the mustering officer, and by him forwarded to the Adjutant General's office for file, with the muster-in roll.

84. No commissioned officer or enlisted man, of any grade, in excess of the legal organization, will be recognized. And any commander who may acknowledge or receive, as in service, any such officer or enlisted man, will be brought to trial for neglect of duty and disobedience of orders. No person acting in the capacity of a supernumerary will, under any circumstances, be permitted to receive pay and allowances from the government; and paymasters making payment to such supernumeraries will be held individually accountable for amounts so paid.

85. All musters into and out of service must be made by an officer of the regular army,* unless otherwise specially directed by the Secretary of War, through the Adjutant General's office. Enlisted men can be mustered from date of enrolment. When the men of a company have been mustered by more than one officer, the fact must be stated on the muster-rolls,

*In paragraph 1, G. O. 75 of 1862, the term muster-in is used by mistake for enlist.

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opposite their names, by whom mustered, and these rolls must be signed by each of the mustering officers. When one-half a company has been mustered into service, the 1st lieutenant thereof can be mustered in; and when the organization of the company is completed, the captain and 2d lieutenant can be mustered. No officers of the general staff will be mustered into service without special authority from the War Department, through the Adjutant General. Field and staff officers of regiments can be mustered into service upon the completion of the organization of regiment or companies, as follows:

INFANTRY.

Colonel and Chaplain—entire regiment.
Lieutenant Colonel—four companies.
Major—six companies.

CAVALRY.

Colonel and Chaplain—entire regiment.
Lieutenant Colonel—six companies.
Majors—one for every four companies.

ARTILLERY.

Colonel and Chaplain—entire regiment.
Lieutenant Colonel—six companies.
Majors—one for every four batteries.

ENGINEERS.

Colonel and Chaplain—entire regiment.
Lieutenant Colonel—six companies.
Majors—one for every four companies.

For the respective arms, the governors of the several States may, at any time during the organization of a volunteer regi-

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ment, authorize the adjutant, quartermaster, and, when absolutely necessary, the medical officers thereof to be mustered into service, to aid in recruiting the regiment, and for the prompt transaction of all other public business. The non-commissioned staff will in no case be mustered in till the regiment is complete. The non-commissioned officers of companies must not be mustered in until their respective companies have the number of enlisted men required by paragraph 83. Until the muster of a company has been completed, the non-commissioned officers thereof cannot be appointed.—(See paragraph 73, page 18, Army Regulations of 1861.)

86. After a regiment has been mustered into service no commissioned officer will be mustered in before producing a commission from the governor of his State. After the commission has been exhibited the mustering officer will satisfy himself that a vacancy exists, in which case only can he make the muster. The muster-in roll must show, over the certificate of the mustering officer, that the vacancy existed, and how it occurred. For example, if the vacancy resulted from death, the remark will be, *vice* Captain A. S. Cole, deceased; if from resignation, *vice* Lieutenant Thomas Stone, resigned.

87. When volunteers are to be mustered into the service of the United States, they will be minutely examined by the surgeon and assistant surgeon of the regiment, to ascertain whether they have the physical qualifications necessary for the military service. And in case any individual shall be discharged within three months after entering the service for a disability which existed at that time, he shall receive neither pay nor allowances except subsistence and transportation to his home. The certificate given by the surgeon will, in all cases, state whether the disability existed prior to the date of muster, or was contracted after it. If there be no medical

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officers, duly appointed, present, the mustering officer, on consultation with the colonel or other gentleman of respectability, will select and engage the services of one or more physicians having diplomas and of well-established capacities and character, to assist him in inspecting the officers and men to be mustered, and to attend upon and accompany the troops on their march till relieved by others regularly appointed. They will be borne on the muster-roll of field and staff as acting surgeon and assistant surgeon, (not embraced in recapitulation,) with dates and place of commencement of service, and, in the column of remarks, say, Engaged at [Baltimore, July 25] by mustering officer, with approval of the colonel, to serve as acting surgeon (or assistant surgeon) in the regiment temporarily, and provisionally mustered at the rate of pay and allowances of that grade while serving, and for the distance from place of discharge to his home, or the place of general rendezvous.

88. Captains will have a roll or list of their companies in the order of rank in every grade, the privates alphabetically, (by the surname,) and all of the same name together, as Smith, John, Smith, John R., &c., written in a plain hand, the first christian name at full length, and every name accurately spelled; and they will form the company in the same order from right to left in two ranks, if it be foot, the commissioned officers on the right, then the sergeants, next the corporals, the musicians, privates, with an interval of a pace between the different grades, so that they may be easily distinguished and the number in each counted.

89. The mustering officer, accompanied by the captain and surgeon, will make a cursory examination from right to left, and verify the numbers; and there should always be an excess of privates to supply the place of men rejected. He will be

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careful that men from one company or detachment are not borrowed for the occasion, to swell the ranks of others about to be mustered. To this end the mustering officer will, at the conclusion of the muster of each battalion or regiment, (whether mustered by companies or not,) cause the entire force to be paraded for inspection; and in case any deception or fraud is discovered to have been practiced, he will immediately report the fact to the Adjutant General, that the guilty parties may be disbanded. No volunteer will be mustered into the service who is unable to speak the English language.—(For exceptions see paragraph 3, G. O. No. 51, A. G. O., 1861.)

90. If the company be of a mounted corps the men will be on horseback, in one rank, and the officer will examine the horses in front and rear to see that they are of suitable size, age, health, and condition, and, if necessary, he will require them to be moved out of the rank for inspection. No horse under five nor over nine years old should be received. In addition to the usual examination of officers and men, a test of horsemanship must be made under the direction of the mustering officer; and no person shall be mustered into the cavalry service who does not exhibit good horsemanship and a practical knowledge of the ordinary care and treatment of horses.

91. Large pony horses, and sometimes large mules, may be received, but their acceptance will depend on the nature of the contemplated service and the feed to be used, as marching service in a section of country destitute of grain—not where manœuvring is expected.

92. If the mustering officer be not a good judge of horses in the qualities mentioned, he must obtain the services of some disinterested person who is, for much will depend on the efficiency of the animals.

93. The horse equipments will consist of a saddle, saddle

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blanket, double rein bridle with curb bit, martingale, and tie rope or halter, and all strong and fitting.

94. Volunteers and militia are not to be less than eighteen nor more than forty-five years of age. Some exceptions may be admissible, for over-age, in commissioned officers, provided they be physically robust and active, and in all other respects well qualified; but in this the mustering officer must exercise a sound and rigid judgment.

95. If there be any doubt about the age of a person, ask any of the following questions: How old are you? Are you eighteen? (or) Are you under forty-five? How do you know your age? In what year were you born? Did you ever see the register of your birth, and in what and when? Who told you the year of your birth, and when were you told? Will you take an oath that, to the best of your knowledge and belief, you are eighteen, or not over forty-five years old? And then administer the oath accordingly: You swear that, to the best of your knowledge and belief, you are eighteen (or not over forty-five) years old: So help you God.

96. All officers and men must be sound and active, free from all malformation, defects of sight, hearing, ulcers, piles, rupture, fracture, dislocation, and disease of any kind. But the lack of or defect in the left eye, or slight injury of the left hand, will not reject the man. Stammerers must not be received. But all men who are enrolled and have performed duty in the organized militia will be received.

97. The company, being in line, will be faced to the right. The mustering officer, accompanied by the surgeon, after inspecting and accepting the captain and lieutenants, will place himself about a dozen paces from, and nearly in front of, the 1st sergeant, with the captain near him on his right, to call the names. One of the 2d lieutenants will place himself by

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the left of the 1st sergeant, with directions to keep the right, now front, file of the company (not called) closed up to his front, and to see that each man, when his name is called, answers Here, in a tone to be heard distinctly by the mustering officer. And every man must be called by, and answer personally to, his legal name; any other will vitiate his title to bounty and pension.

98. At the instant of answering the man will step off briskly in a natural gait, his hands, without gloves on, hanging in an easy, travelling position, to and in front of the mustering officer and surgeon, who will, in most cases, be able to discover, while the man is approaching and passing, whether he is sound and suitable for service. If the man be accepted, he will pass on and join the 1st lieutenant, who will form the company in the same order as before, see that the rear-rank men cover those in front, and intervals preserved between the grades, so that the number in each may be easily distinguished and counted.

99. If the mustering officer and surgeon are not satisfied to receive a man by his appearance and movement in walking past, they will direct him to stop for a more critical examination, and, if necessary, require him to strip at some convenient place, when the others shall have been called. Those rejected will be turned off, and their names marked out of the list; and they must not be suffered to join any other company.

100. If the company be of a mounted corps, the officers and men will be required to dismount and lead their horses past, holding the bridle rein by the end, out of the martingale, and moving in a quick walk, so as to show the natural gait of both man and horse.

101. By this manner of inspecting, a company may be examined in about half an hour; and the officers will be able to

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judge with great accuracy by the close observance of a man's size, figure, motions, hands, eyes, and general appearance, all which must be scrutinized, whether he will pass muster. The examination of a company naked, with the inconvenience generally felt at such places by the want of suitable buildings, would require two or three hours.

102. The captain and other officers, and, indeed, every man, are obligated to inform each other and the inspecting officers, when making up the company and at the muster, of any concealed or known lameness, defect, or disease in any one of the company; and the officers who enrolled the company will be held to refund the amount of pay and clothing furnished to any man who may be discharged, or found to be unfit for service, within three months from the muster into service, in consequence of any rupture, defect, or disease, unless he can show to the commanding general that the cause of unfitness occurred after the muster, not before.

103. When all the men have been called and accepted, the mustering officer, accompanied by the captain, will count the number in each grade, and see that they correspond with the number of names on the list, and agree with the prescribed organization.

104. The mustering officer will then cause the company to take the oath of allegiance contained in the 10th article of the Rules and Articles of War, this being proper to insure subordination and faithful service on the part of the men, who have, by enrolment and muster as volunteers, enlisted in the service of the United States. It is not absolutely necessary, but proper, that the oath be administered, as the men are fully bound to the service by the act of mustering. The substance of the oath may be mentioned beforehand if required; it must be administered by an officer of the regular army or a civil

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magistrate, preferably the former. The company, officers included, will be directed to uncover their heads and hold up their right hands, and then, in a loud and very distinct, impressive manner, the following will be administered—(See also article 97 :)

105. All and each of you do solemnly swear (or affirm, as the case may be) that you will bear true allegiance to the United States of America, and that you will serve them honestly and faithfully against all their enemies or opposers whatsoever, and observe and obey the orders of the President of the United States and the orders of the officers appointed over you according to the rules and articles for the government of the armies of the United States: so help you God. The above oath having been administered, the mustering officer will form the officers in a body and administer to them the following, in addition: All and each of you do solemnly swear (or affirm) that you have never voluntarily borne arms against the United States since you have been citizens thereof; that you have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that you have neither sought nor accepted, nor attempted to exercise, the functions of any office whatever under any authority or pretended authority in hostility to the United States; that you have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And you do further swear (or affirm) that, to the best of your knowledge and ability, you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully

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discharge the duties of the offices on which you are about to enter: so help you God.

106. The Rules and Articles of War will then be read to the company by the captain, or under his superintendence, as also paragraph 1645 of Army Regulations, and read again, in like manner, semi-annually, on the last days of December and June. And on the muster-rolls for pay, and those of muster into service, the captain will certify that the rules have been read as here directed.

APPRIZAL OF HORSES AND HORSE EQUIPMENTS.

107. The mustering officer and captains of companies will select three respectable and impartial men, good judges of the value of horses, and not members of any company, nor owning or having interest in any horse therein, to apprize the horses and horse equipments. The valuation will be the fair cash price at the place and time—what the judges would be willing to give were they purchasing for themselves. And the assessed value for horses and horse equipments—the two separate—will be put on the muster-roll opposite the owners' names, and the apprizers, being sworn by the mustering officers, will sign the certificate for that purpose on the roll of muster into service. And the valuation will be continued on the subsequent rolls.

108. Every officer and man should be the owner of the horse in his use; no officer or other person belonging to the command (company or regiment) can be the owner of, or in any manner have interest in, the horse in use by another.

109. So soon as the muster is completed the fact will be reported to the Adjutant General of the army. Notice will be given when the troops will be equipped and ready to march. If arms, equipments, clothing, &c., have not been required for, the mustering officer will promptly submit the necessary requisitions to the respective departments concerned.

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MUSTERING IN AND OUT IN THE FIELD.

110. Only * officers of the regular army (including additional aides-de-camp appointed by the President, under the act approved August 5, 1861) will be detailed to muster into and out of the service of the United States, and no officer will make these musters unless detailed to do so by competent authority.

111. Mustering officers for troops in the field will be detailed (under paragraph 110) by the corps or department commander, as follows:

For each corps or department, one officer, to be called the commissary of musters for that corps or department, and two enlisted men for clerks in his office, at corps or department headquarters. All rolls and communications sent to and from the officers detailed on this service, in any corps or department, will be through the commissary of musters for that corps, who will exercise a supervision over the whole subject of musters for the corps or department to which he belongs. For each division, one officer, to be called an assistant commissary of musters for that division, who will make all musters into and out of the service of the United States for his division, and see that all officers of his division are properly mustered into or out of the service of the United States, as the circumstances of the case may require; he will also be prepared to give such information on the subject of muster and muster-rolls as may be required by those serving in the division. He will also provide himself with blanks, by application to the commissary of musters of his corps or department.

* Exception in cases of necessity will be made upon application to the Adjutant General, Washington, D. C.

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One enlisted man will be detailed by the division commander as clerk in his office. Commissaries of musters, and their assistants, will be furnished with such stationery as they may require by the quartermaster's department, upon their requisitions, approved by the corps, department, or division commander, as the case may be. As soon as the commissaries and assistants are detailed as herein directed, their names will be reported to the Adjutant General of the army.

112. Each assistant commissary of musters will make a daily report to the commissary of musters for his corps or department of all the musters made by him since his last report, forwarding with this report three copies of the muster-in and four of the muster-out rolls, in every case, as vouchers to his report. These rolls and reports will be corrected and consolidated by the commissary of musters, who will also add his own report of such musters as he may have made himself, and forward it, (daily,) with one copy of the muster-in and muster-out rolls, in each case, direct to the Adjutant General, Washington, D. C. The commissary of musters will dispose of the other copies of the rolls as prescribed in the directions printed on the blanks for muster in and out rolls.

113. Commanders of corps or departments will see that each regiment, independent company, &c., is assigned to some one of the assistant commissaries of musters under their command. The commissaries of musters will be responsible to the Adjutant General of the army for the correctness of the musters and muster-rolls in their corps, and no officer shall be mustered in or out except by a commissary or assistant commissary of musters to whom the command to which he belongs has been assigned.

114. No officer or enlisted man of volunteers is properly in the service of the United States, or authorized to receive pay,

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until mustered in by the proper officer; and no officer is properly out of service until discharged in orders, or mustered out by the proper officer. One copy of the rolls or order in each case must be forwarded to the Adjutant General's office.

115. Commissaries and assistant commissaries of musters, having been once detailed, will not be relieved from this duty, or transferred to another division, department, or corps, without authority from the Adjutant General's office.

116. Commanders of departments, corps, and divisions, will exercise such supervision over the musters as they may think necessary for a prompt and efficient performance of this service.

117. The following rules will be observed in all musters in or out:

1st. An officer must present his commission, or appointment, from the governor of the State to which the regiment or organization into which he desires to be mustered belongs.

2d. The mustering officer must ascertain from the records of the regiment, or organization, such as muster-rolls, monthly returns, and morning reports, that a vacancy exists.

3d. If an officer has been commissioned, as above, and a vacancy exists, and he is physically fitted for duty, he may be mustered into the service of the United States from the date on which the muster-in actually takes place.

4th. No muster-in shall be dated back without authority from the Adjutant General, except upon proof that it could not have been made at an earlier date, which proof shall consist of the affidavit of the officer, accompanied by that of his regimental or detachment commander, setting forth that he has made all proper efforts to have himself mustered in, but without success, before the time at which he now presents himself. These affidavits must be attached to the copy of the muster-in roll intended for the Adjutant General.

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5th. No officer shall be mustered in to date back beyond the time that he has actually been performing the duties of the grade into which he desires to be mustered, nor beyond the time at which a vacancy is proved to have existed by the regimental or company records.* If on the muster and pay rolls the applicant appears mustered for pay in one grade, he cannot be mustered into the service, to cover the same period, as of any other.—(See also bottom of page 28.)

6th. Musters into the new and out of the old grade must be made for each appointment of a commissioned officer, as well as when enlisted men are appointed commissioned officers. A discharge in orders, or by order of the proper authority, is in all cases a muster-out of the service of the United States, and no muster-out rolls will be furnished in such cases.

7th. Musters in and out must be made on separate rolls, and a separate roll must be made for each grade. Officers or enlisted men of different companies or regiments must not be mustered in or out on the same rolls.

8th. A muster once made will in no case be altered, except by authority from the Adjutant General of the army, and all

* When an enlisted man or officer receives a commission or appointment advancing him to a higher grade, and has not an opportunity of being mustered in, so as to appear on the next muster-rolls as of the grade to which he is commissioned or appointed, he shall be mustered on the next muster-roll in his proper grade, according to previous muster-in, and a remark to the following effect made on the muster-rolls, opposite his name: "Received commission (or appointment) from the governor of the State of ——, as ——, in the — regiment of —— volunteers, on — day of ——; waiting muster-in since that date." The last sentence of section 5, paragraph 117, Mustering Regulations, commencing "If on the muster," &c., shall not be so construed as to prevent the muster-in, by the mustering officer, commissary or assistant commissary of musters, of officers so mustered back to the actual date of receipt of commission or appointment, if it be not more than two months beyond the muster at which they appear, as above, on the rolls, without reference to the Adjutant General.

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applications for alterations must pass through the mustering officer, if possible.

9th. Troops organizing in their respective States—including recruits for regiments in the field—and those organized, and not in the field, will be mustered by the duly appointed mustering officers for the States. Such officers have no authority to muster commissioned officers belonging to organizations which have left the State.

10th. Enlisted men having received commissions or appointments will not be mustered in as commissioned officers until they shall have been discharged as soldiers by the department or corps commander.

GENERAL DIRECTIONS.

118. Mustering officers for the different States to muster in new troops will be detailed from the Adjutant General's office.

119. No person will be taken up on any muster-rolls as an officer, of any grade, until mustered into the service of the United States as such, in that grade, whether he be commissioned by the governor or not, unless he be appointed or commissioned by the President. Paymasters will observe and report all violations of this paragraph.

120. The commissioned officers of all volunteer organizations, no matter whether established under the authority of a State or of the United States, will be regarded as having been commissioned on the day when their muster into the service of the United States takes effect, and will take rank in their respective grades, will be entitled to pay, and be obeyed and respected in their several positions from that date.

121. Mustering officers will muster into service and administer the oath of allegiance to such regiments or recruits brought to them as may present conclusive evidence of their acceptance by the War Department.

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122. The attention of mustering officers, commissaries and assistant commissaries of musters, is called to the instructions from the ordnance department in regard to the ordnance responsibility of officers mustered out.

MUSTER IN OF DRAFTED MEN OR SUBSTITUTES UNDER ACT OF CONGRESS.

123. Men drafted under the enrolment act will be considered as mustered in from the date of their draft, and will be mustered for pay on the usual rolls for volunteers. On the same line as the soldier's name, under the heading "Joined for duty and enrolled.—Commencement of first payment by time," will be written the word *drafted* or *substitute*, as the case may be; and under the heading "When mustered in," will be given the date when the soldier was drafted, or, if a *substitute*, when enlisted, (substitutes, under the enrolment act, are mustered in by enlistment;) under "Where mustered in," will be given the place from which drafted (or if a substitute, where enlisted;) under the heading "By whom mustered in,' will be given the No. of the enrolment district from which he was drafted, and the State to which it belongs, thus: *4th D., Mass.;* (meaning 4th enrolment district, State of Massachusetts.) Or if a substitute, the name of the officer enlisting him. (When enlisted by board of enrolment, the name of the provost marshal of the enrolling district.)

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TO ALL WHOM IT MAY CONCERN:

[Coat of Arms.]

KNOW YE, That ——— ———, a ——— of Captain ——— ———'s Company, (—,) —— Regiment of ——— VOLUNTEERS, who was enrolled on the —— day of ———, one thousand eight hundred and ———, to serve —— years, or during the war, is hereby DISCHARGED from the service of the United States, this —— day of ———, 186—, at ———, by reason of ———. (No objection to his being re-enlisted is known to exist.*)

Said ——— ——— was born in ———, in the State of ———; is —— years of age; —— feet —— inches high; ——— complexion, —— eyes, —— hair; and by occupation, when enrolled, a ———.

GIVEN at ———, this —— day of ———, 186—.

———— ————,

———— ————,

Commanding the Reg't.

* This sentence will be erased should there be anything in the conduct or physical condition of the soldier rendering him unfit for the army.

OATH OF IDENTITY.†

——— ———, of the town of ———, county of ———, in the State of ———.

On this —— day of ———, in the year one thousand eight hundred and sixty ———, personally appeared before me, the undersigned, a Justice of the Peace for the county and ——— above mentioned, ——— ———, who, being duly sworn according to law, declares that he is the identical ——— ——— who was a ——— in the company commanded by Captain ——— ———, in the regiment ——— commanded by ——— ———; that he enlisted on the —— day of ———, for the term of ———, and was discharged at ———, on the ——— day of ———, by reason of ———.

———— ————.

Sworn and subscribed before me the day and year above written.

———— ————.

I CERTIFY that ——— ———, before whom the above affidavit purports to have been made, is a Justice of the Peace duly authorized to administer oaths, and that the above is his signature.

IN WITNESS WHEREOF I have hereunto set my hand and affixed [L. S.] my official seal, this —— day of ———, in the year ———, at ———, in the State of ———.

———— ————,

Clerk of the ———.

† This is *not* to be filled up at the time of discharge, but only when the identity of the bearer of the discharge, with the person named in it, is called in question.

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FORM OF AFFIDAVIT

I, , being duly sworn, do say: That I have performed the duty of in the Regiment of Volunteers since the day of , 186 , by virtue of a commission (or appointment) issued by the Governor of the State of , bearing date 186 , and received by me on or before the day of , 186 ; (that I have been borne on the Rolls, Returns, and Reports of the said Regiment as a from the day of , 186 , to the day of , 186 ;)* that a vacancy existed in the grade to which I was commissioned (or appointed) at the time of the receipt of such commission, (or appointment,) caused by the of , and that I have made every effort to be mustered into the service of the United States as a in the said Regiment since the day of , 186 , without success till the present time: So help me God.

Sworn to and subscribed before me,
this day 186 ,
at

I, , commanding the Regiment of Volunteers aforesaid, do solemnly swear that the statement and dates above set forth are correct, to the best of my knowledge and belief: So help me God.

Sworn to and subscribed before me,
this day of , 186 ,
at

* This paragraph, or part of it, as the case may be, will be erased when not required.

NOTE 1.—This affidavit should be pasted to the muster-in roll to which it belongs.

NOTE 2.—The oath may be administered by the adjutant of a regiment, detachment, or post, a judge advocate or recorder of a court-martial, or by a civil magistrate.

NOTE 3.—The mustering officer will require each candidate for muster into service to exhibit his commission (or appointment) from the governor of the State to which the regiment into which he desires to be mustered belongs. No muster will be recognized if made to cover a period in which the officer is borne on the rolls and returns of his regiment as of an inferior grade, or beyond the date of the receipt of his commission (or appointment) from the governor of the State. If an officer is taken up on a muster-roll as of any grade before being mustered into service in that grade, after the promulgation of General Orders No. 48, of 1863, it is a false muster on the part of the officer making it, and will not be recognized at the Adjutant General's office or by the mustering officer, but will be immediately reported to the Adjutant General.

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INSTRUCTIONS

FOR

OFFICERS AND NON-COMMISSIONED OFFICERS

ON

OUTPOST AND PATROL DUTY,

AND

TROOPS IN CAMPAIGN.

IN TWO PARTS

WASHINGTON:
GOVERNMENT PRINTING OFFICE
1863.

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WAR DEPARTMENT,

MARCH 25, 1862.

The following detailed Instructions on Outpost and Patrol Duty, and Troops in Campaign, are published for the information of the Army, and will be distributed to regiments. Part I, although more especially designed for cavalry, is likewise applicable to infantry.

Grand Guards will be sent out by all brigades in camp—when in the face of the enemy, for safety; when in a friendly country, for instruction.

All Colonels and others in authority will see that their commands are instructed in these duties.

The attention of officers of the regular and volunteer armies is particularly called to Article XXXVI, of the present Army Regulations, which is printed as Part II of this book. The whole article is replete with the most valuable instruction, and the safety and efficiency of all commands depend very much upon knowledge of the duties therein detailed.

EDWIN M. STANTON,

Secretary of War.

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PART I.

INSTRUCTIONS

FOR

OUTPOST AND PATROL DUTY.

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NOTE.

The word Grand Guard has been substituted for Picquet, wherever the latter occurred in the work of Colonel Arentschild.

The terms Grand Guard and Outlying Picquet are, in fact, synonymous; the former is more used in the French, the latter in the British service. By both, are meant the outposts, or advanced guards, thrown out in the direction of an enemy, to protect the camp from surprise, and give it time to form for defence in case of a sudden attack.

The term "*Picket*," met with in the Regulations, has a very different signification, being applied to the standing detail *for* Grand Guard and other service of the like nature; which, though it remains in camp, is held in constant readiness to turn out at a moment's warning. In other words, it is one and the same thing with the Inlying Picquet of the British.—ED.

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INSTRUCTIONS

FOR

OUTPOST AND PATROL DUTY.

ABRIDGED FROM THE WORK OF THE LATE COLONEL ARENTSCHILD, OF THE BRITISH SERVICE, BY THE LATE LIEUTENANT COLONEL J. P. GARESCHÉ, ASSISTANT ADJUTANT GENERAL.

1. On the Duties of an Officer or Non-commissioned Officer on Grand Guard.

SECTION I.

PARADING THE GRAND GUARD.

The Officer commanding a Grand Guard, as soon as it has been turned over to him, takes care to have the names of his men written down, with the Regiment and Troop to which they belong; inspects their ammunition and fire-arms; and orders them to load. He then sees that the men are provided with provisions and forage; if they are not, reports the fact to their Regiment, that supplies may be sent after them. He must also make himself thoroughly acquainted with his orders, and learn whither and to whom he is to send his reports.

SECTION II.

MARCHING FOR HIS DESTINATION.

On the march to where the Grand Guard is to be posted, the Officer must carefully examine the country, and particularly observe the places

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where he could make a stand, in case of an attack; as, for instance, behind a bridge, a ravine, between bogs, &c., in order to keep off the Enemy as long as possible. It is of the utmost importance to give the Corps time to turn out, and the Commander of a Grand Guard who retires with his men at full speed, and the Enemy at his heels, deserves the severest punishment; he must retire as slowly as possible, and constantly skirmish.

SECTION III.

IF NO GRAND GUARD WAS ON THE SPOT BEFORE.

BY DAY.

Upon arriving at the spot chosen for the Grand Guard, he throws out a Sentry in advance, dismounts his men, and proceeds to ascertain, by observation of the hills and roads in front, the number of Vedettes and *small posts* necessary.* He then places the Vedettes in such a manner, that they can each see what is coming towards the Guard, as well as observe one another. Two-thirds of the Guard now unbridle; *the whole of a Grand Guard should never unbridle.* The Officer then carefully reconnoiters the country. Every one ambitious of doing his duty well, will make a little sketch in which the following are to be marked down:

* According to La Roche Aymon, one-third of the Grand Guard is told off to furnish the *small posts* and Vedettes; one-third is on the alert, mounted, or ready to mount; and the remainder are resting, or engaged in grazing and watering their horses.

According to the same author, the *small posts* should be established about 600 paces in advance of the main body of the Guard, and the Vedettes about 500 paces in advance of the *small posts*—of course, always within sight. The *small posts* and Sentries of an Infantry Grand Guard, however, except in a very open country, should be drawn much closer. The *small posts* consist usually of four or five men, and serve, each one, as a support to four or five Vedettes or Sentries.

These are but general recommendations, of course, and, as such, are good. No absolute rule can be laid down as to these points. Even the best military writers differ, among themselves, as to each and all of them. And no general rule, even if universally accepted, could be universally applied; for, the nature of the country, the strength, character, and distance of the enemy, with other elements of the problem, are always changing, and hence different dispositions must necessarily be made in each particular case.

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1, *roads;* 2, *rivers;* 3, *bridges and fords;* 4, *morasses, cavities, hollow roads and mountains;* 5, *woods;* 6, *towns, villages, and their distances.*

Without an exact knowledge of the country, an officer can never feel any confidence in the security of his Guard, and both exposes it to be cut off, and the Army to a surprise.

By this time, he will have been enabled to fix upon the spot where his Guard and Vedettes ought to be placed at night.

BY NIGHT.

It is impossible to lay down any fixed principles on this subject; but the general rule is, to advance the Grand Guard at least two or three miles in front of the main body; to place it behind a bridge, ravine, wood, or bog, through which the road passes, in order to be enabled to make a stand, immediately on being attacked, and to throw out Vedettes in front and on the flanks. Small patrols of two or three men, sent out in front and on both flanks, at half an hour's interval, and constantly kept moving, will give perfect security, particularly should one of the men sometimes dismount, and listen with his ear to the ground. This precaution, by which he will hear the march of troops at a great distance, is indispensable in stormy weather. On coming, by night, to a new spot, particularly in a wooded or mountainous country, small Patrols must immediately be pushed forward on all the roads, &c., to secure in the first instance the placing of Vedettes, &c., &c.

If the Enemy be near, no fire is to be lighted, and the position of the Grand Guard should be frequently changed. One-half of the Guard ought, in this case, to be mounted, one hundred yards in advance; the other half, stand or sit with the bridles in their hands.

SECTION IV.

RELIEVING ANOTHER GRAND GUARD.

Much of what is said in Sections I and II, likewise applies here. As soon as the Relieving Officer arrives where the other Guard is to be

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relieved, he forms on its left flank, or behind it, according to the nature of the ground, draws out a Non-commissioned Officer and as many Vedettes as he has to relieve, (the remainder dismount,) and proceeds with the Officer commanding the old Guard and his own Non-commissioned Officer, to relieve the Vedettes. The following is to be observed on such occasions:

1. All written orders and instructions must be turned over, and the verbal orders be written down and signed by the Officer relieved.

2. The outlines of the sketch, belonging to the Commander of the old Guard are to be copied by the Relieving Officer, who will afterwards complete it at his leisure.

3. The latter must be told, to whom reports are to be sent; where the Grand Guards on the Flanks are stationed; what roads lead to them; how often Patrols are to be exchanged between him and them in the night. In case the roads leading to them are little known, or difficult to find, the Non-commissioned Officer of the old Guard must point them out to the one relieving him, who will be accompanied by one of his men.

4. All the information, possessed by the old Guard as to the Enemy, his Outposts, Patrols, the country, &c., must be communicated to the new Guard, together with any suggestions for the better posting of the Vedettes, &c.

At the relief of the Vedettes, the Officers of both Guards should attend, and listen to the delivery of instructions from the old Vedette to the new one; who must then repeat them, that there may be no mistake. The principal points of these instructions should be: on what roads, and from what direction, the Enemy may be expected; where the neighboring Vedettes are stationed; and to look out for and repeat their signals. A Vedette must never move from the spot on which he is placed, as the difference even of a yard may prevent his observing, or being observed at a distance.

After all the Vedettes have in this manner been relieved, the night posts of the Grand Guard and Vedettes are to be pointed out.

The old guard then marches off. Two-thirds of the horses may then be unbridled.

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SECTION V.

DURING HIS TOUR OF GRAND GUARD.

BY DAY.

A DISMOUNTED Sentry is posted in front of the Guard, where he can observe the movements of the several Vedettes.

One-third of the horses must always be bridled and ready for an advance. The men must never take off their swords and belts. One-half of them may sleep in the middle of the day—the other half in the afternoon, that they may all be perfectly alert at night.

The men must not be allowed to leave the Guard, especially if there are houses or villages in the neighborhood. Such straggling leads to irregularities, and on being rapidly attacked by the enemy, the horses will be lost.

When the men water their horses, they must bridle them up, and take everything along with them.

In short, a Grand Guard must at all times be ready to meet an attack, in half a minute's time.

PATROLS.

How often the Grand Guards are to patrol, where to, and how far, is generally ordered by the Officer commanding the Outposts. If there are no orders upon these subjects, the following Patrols will be sent:

The *first*, in time to arrive at the place of its destination, by day-break; it will remain there until it is broad daylight. Whoever leads the Patrol, should then go to the top of some rising ground, whence he can overlook the country to a considerable distance, and having carefully done so, he will return. The *second* Patrol at 10 o'clock; the *third*, at two; the *fourth*, towards evening; the *fifth*, at midnight.

This arrangement will have to be varied according to the distance of the Enemy; but the morning Patrol, before daylight, must go out under all circumstances.

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A Patrol, in returning, should look often to the rear. The Enemy frequently succeeds, while following up a negligent Patrol, in surprising the Guard. In a close country, it is very advisable, after the return of the Patrol, to send forward again a few men to the distance of a mile, to make sure that the Enemy did not follow the Patrol.

Great care must be taken not to let the men fatigue their horses.

No man must be permitted to leave his horse a moment. Any man who attempts to misuse an inhabitant of the country, or to take anything by force, must be rigorously punished.

BY NIGHT.

The proper time for the Grand Guard to take up its night post, is when it gets too dark for the day Vedettes to see at any distance; they are then called in, and the position for the night is taken.

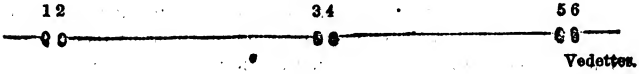
If any apprehensions are felt of being betrayed to the Enemy by spies, deserters, or inhabitants of the country, the Guard must change its ground again, but the Vedettes remain.

At night, the Vedettes must be relieved every hour, and visited every half hour. The Relief rides along the chain of Vedettes, and serves thus as a visiting Patrol. If the Enemy be near, the Vedettes should be doubled; which is at all times recommended, where the strength of the Guard will allow of it.

In case a man desert, the fire must be put out, and the Guard instantly shift its ground to some hundred yards' distance. The Vedettes are to be made acquainted with this change, and urged to increased vigilance. Every desertion must be immediately reported.

Double Vedettes patrol among themselves in the following manner:

Fig. 1.



No. 1 patrols to his left, and on his return, No. 2 proceeds to No. 3, and returns; No. 3 then patrols to No. 2, and on his return, No. 4 will go to No. 5, and return; 5 and 6, and all the other Vedettes, do the same. If this be done, it is almost impossible that anything should pass unperceived. *In foggy weather it must never be omitted*

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When near the Enemy, small Patrols of a few picked men should, during the night, be sent out, in different directions, beyond the chain of Vedettes, and get as close to the Enemy as they can, unperceived. On approaching near enough, one man will dismount and listen with his ear to the ground. This is particularly recommended; as being the only means of ascertaining the secret movements of the Enemy in the night—to discover which, the greatest exertions ought to be made.

Every person attempting to pass the Outposts, must be detained till morning. Persons suspected of carrying any papers with them, are to be searched, and sent to the Commanding Officer, with a written statement of their case. Half an hour before daylight, the morning Patrols will be sent out on the roads in front, and as soon as it is quite light, the Guards and Vedettes will take up their position for the day.

SECTION VI.

PLACING THE VEDETTES.

BY DAY.

VEDETTES should be placed by day on high ground, so as to afford them a commanding view, but always near a tree or rock, so as to conceal them from the Enemy; who, from the position of a single Vedette, might guess at that of the whole line. In a mountainous country, where the ravines and narrow valleys cannot always be seen from the top of a hill, a Vedette is sometimes placed at its foot.

When the Vedettes are posted in such a manner as to be able to overlook their front, and see each other and the ground between them, so as that nothing can pass them unperceived, they are placed as they ought to be.

In order to spare men and horses, no more Vedettes than necessary are to be out.

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In a thick fog, the Vedettes, stationed at a distance on the flanks, are taken off the hills, and placed on more suitable spots. The nature of the country may require that the position fixed upon, for the night, should be taken up during the day; in which case, the ground in front must be continually scoured, in all directions, by small Patrols.

BY NIGHT.

By night, the Vedettes are taken off the hills, and placed on the roads, behind fords, bridges, ravines, &c., by which the Enemy might approach the Guard; and at the bottom of hills, so as more easily to discern against the sky, objects moving over the top. In clear moonshine, they ought to be near a tree or bush, to prevent their being seen by the Enemy. In a close country, they should redouble their vigilance, for, it may happen that he will approach them unperceived, in spite of all their care.

They must be advanced only just so far, as that their firing can be distinctly heard by the Guard, even in a stormy night.

SECTION VII.

INSTRUCTIONS FOR THE VEDETTES, AND WHAT THE OFFICER COMMANDING THE GRAND GUARD HAS TO DO, ON THEIR MAKING SIGNALS.

BY DAY.

1. When a Vedette discovers anything suspicious in the direction of the Enemy, as, for instance, a rising dust or the glittering of arms, he should move his horse round in a circle, at a walk; on which, the Officer should instantly proceed to the Vedette, accompanied by a Corporal and four men, and if he cannot distinctly discover by his spy-glass the cause of the dust, &c., he should send off the men that accompanied him, as a Patrol, or go himself; for, if he sees Troops, he should be able to report how strong they are, whether consisting of

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Cavalry, Infantry, or Artillery, and, particularly, in which direction they are marching. This report must be despatched, in writing, without delay.

The Commander of a Grand Guard shall never omit to report occurrences of this kind, although they may have no connexion with the security of his own Guard. Patrols and Grand Guards must always report the movements of any body of Troops, no matter how small in number.

2. If the Vedettes positively observe Troops marching towards them, but at a great distance, they ride the circle in a trot. The Officer's duty is as in 1.

3. If the Enemy's troops approach to within a mile, the Vedettes circle in a gallop. The Officer then advances with his whole Guard, immediately. His duty is prescribed in the paragraph on the Attack of a Grand Guard.

If the Enemy is so close at hand, that the Vedettes are obliged to gallop to their Guard for their own security, they should first discharge at him both their carbines and pistols.

Should a deserter approach, the Vedette is to make a signal to the Sentry at the Guard, and a party will be immediately sent to bring him in.

BY NIGHT.

1. As soon as the Vedettes hear a suspicious noise, even though at a great distance, such as the rattling of carriages or artillery, the barking of dogs in the villages in front, or if they observe any fire, one of the Vedettes must instantly report it to the Officer of the Grand Guard, in order that the circumstances may be inquired into by a Patrol.

2. Any person approaching the Vedette at night, must be challenged in a loud tone and made to halt. Should the person refuse to halt, being twice challenged in a loud tone, the Vedette is to fire, retiring, if in danger of being overpowered, by the road pointed out to him, &c. Vedettes will not allow a mounted man, nor more than one man at a time, to approach them, nor him nearer than three yards. And they will keep their cocked pistols directed all the while against him. The Officer of the Grand Guard will then be signalled for, and must be

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instantly there, and examine carefully whence came the person or persons, who sent them, and for what. For, when the Enemy desires to surprise a Grand Guard, he frequently does so under the semblance of a friendly Patrol, and therefore the officer should particularly inquire, to what Regiment they belong, the name of their Brigadier, Commanding Officer and Captains, where their Regiment is encamped, &c. If able readily and correctly to answer these questions, they may be allowed to pass.

SECTION VIII.

ON THE ARRIVAL OF A FLAG OF TRUCE.

No person coming from the Enemy with a Flag of Truce, must be allowed to advance farther than the chain of Vedettes. When a Vedette makes the signal, the Officer of the Grand Guard meets the Flag of Truce with four men, and halts the bearer of it, if possible, in a bottom, or makes him face in the direction from which he came. For, it often happens, that the enemy's only intention is to make observations, or see how the Grand Guard is placed, in order to surprise it during the night. If the bearer of the Flag only bring letters, they are to be receipted for and he is sent back. If he insist upon being allowed to proceed, permission must be first obtained; he is then blindfolded; a Non-commissioned officer leads his horse; and he is thus conducted to the General's quarters. Should there be more than one person with the Flag, one alone will be allowed to proceed to the rear; the remainder must stay where they are. A Flag of Truce ought to be treated with the utmost civility; refreshments should be offered, if at hand, but no conversation relative to the army, or its position, is to be permitted.

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SECTION IX.

DESERTERS COMING FROM THE ENEMY.

BY DAY.

As they may be seen at a distance, but cannot be known as deserters a proportionate number of the Guard must already have advanced to the line of Vedettes to meet them. Deserters generally make themselves known by flourishing their caps and calling out "Deserter!" but this is not to be depended upon; their further behavior must be carefully watched. They are then disarmed and taken to the General's quarters, one, two, or three at a time.

Whenever any private property is taken from a deserter, the act must be severely punished.

BY NIGHT.

Great caution must then be observed, especially if they are in force The Vedettes must order them to halt at some distance, and by no means allow them to come too near. The Guard advances; the deserters are ordered to approach, one by one, and are immediately disarmed. They are then taken to the rear. Deserters must be examined respecting the movements, &c., of the Enemy.

SECTION X.

WHEN THE GRAND GUARD IS ATTACKED.

BY DAY.

The Officer immediately sends word to the rear, and communicates the fact to the Grand Guards on his flanks. He then advances with his Guard, but warily, so as not to be cut off, and begins to skirmish with the Enemy. It will seldom be practicable to advance farther than the chain of Vedettes. If obliged to retire, he must do it as slowly as possible, endeavoring to gain all the time he can, for the corps in his rear to turn out. If he has previously fixed upon places

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where to make a stand, (as enjoined to do in SECTION II,) now is the time to make use of them. The following (see Fig. 2) is the best way of defending such places, (generally a bridge, ravine, or ford;) we will suppose, in this case, a bridge:

On arriving within three or four hundred yards of it, the Officer takes the gallop, and passing over it with the main body of his men, posts himself in A, as close as possible to, and with his right flank on it, leaving the passage clear. As soon as his Skirmishers see that this has been done, they likewise gallop over the bridge and face about again in B. The enemy is thus compelled to halt, and time is gained,—the grand object—on which may sometimes depend the honor and welfare of the whole corps.

GRAND GUARDS ON THE FLANKS.

When the Grand Guards on the flanks are not attacked at the same time, they can be sometimes of service in acting upon the Enemy's flanks, though not if the nature of the ground would endanger their being cut off.

As a general rule, the Grand Guards that are not attacked, retire in a line with those engaged, and, while doing so, omit no favorable opportunity, which offers, of assisting the latter.

BY NIGHT.

It is mentioned in SECTION VII, that the Vedettes, on discharging their fire-arms, must gallop back, *by a certain road.* This is a point of the utmost importance, and which must be well impressed on the Night Vedettes,—that in the event of being suddenly attacked, they are not to retire in the direction of the Grand Guard, but a hundred and fifty yards to the right or left of it, and by a circuitous route, firing all the while, and doing all they can to mislead the Enemy, and to draw him after them. The Grand Guard, by this means, gains time to mount, and to fall, with loud shouts, on the flank or rear of the Enemy, who may be thus led to suspect that he has fallen into an ambuscade, be thereby puzzled, and perhaps lose some prisoners. After making such an attack, it will usually be best for the Grand Guard to

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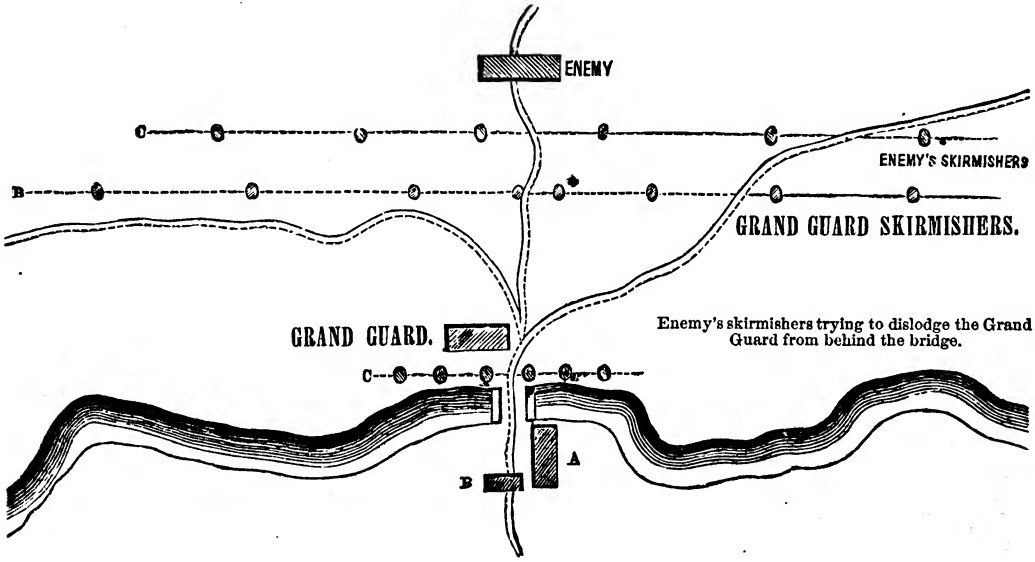

Fig. 2.

Enemy's skirmishers trying to dislodge the Grand Guard from behind the bridge.

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fall back again along the road fixed upon for a retreat. The men must therefore be shown, during the day, both the road which the Vedettes are to take, when attacked at night, and whereabout they are to rejoin the Grand Guard. The retreat, otherwise, is conducted in nearly the same way as by day, with only this difference, that there cannot be skirmishers in front, but only two or three men at the head. It is necessary to fire as much as possible, and wherever a stand can be made, an obstinate defence should be attempted. It is almost unnecessary to remark, that the attack, as soon as made, should be reported.

REPORTS.

All Officers in command of Grand Guards, Patrols, &c., must make written reports of everything which occurs. There are few occasions when it is necessary to send a verbal report, and it should, as far as possible, be avoided, as it is very difficult to find Non-commissoned Officers and soldiers who will deliver one correctly. A Commander of a Post or Patrol must be very cautious not to create unnecessary alarms; he must report as fully and as correctly as possible. In reporting the movements of the Enemy, let him recollect that considerable confusion may arise from saying "to the right," or "to the left;" he must say to *our* right, or to *our* left, or "to the *Enemy's* right," or "to the *Enemy's* left." If a Non-commissioned Officer cannot send a written report, he must explain the message thoroughly to an intelligent Private, and should the latter deliver it incorrectly, he must expect to be punished.

NON-COMMISSIONED OFFICERS.

A great deal of responsibility rests with a Non-commissioned Officer on Outpost duty; he has frequently the command of Patrols, small posts, &c.; it is, therefore, necessary for him to obtain a thorough knowledge of his duty. He is to recollect that the safety and honor of his Regiment may frequently depend upon the manner in which he executes his duty. Unless, therefore, he can enforce the strictest discipline, and make the men under him conform scrupulously to their orders, he is not fit for his situation.

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II. ADVANCE GUARD OF A COLUMN IN MARCH.

BY DAY.

Fig. 3.

Should the same consist of one Officer, two Non-commissioned Officers, and twenty-four men, the Officer commanding will tell them off as in Fig. 3.

This gives an extension of 1,500 yards, which is sufficient for twenty-four men. The larger the Column, the stronger and more extended will be the Advance Guard. The principle on which an Advance Guard, Rear Guard, or Flank Guard, is thrown out, is to give time to the Column to make the necessary preparations for an attack or a retreat, in case of the Enemy's being discovered. The quantity of ground to be taken up will be regulated by this consideration and by the strength of the Guard. The several divisions of each and all of these different Guards must always keep their supports in sight, and be careful to preserve the same distances. When the Column halts, the Advance Guard does the same, but the three men at the head should instantly occupy the neighboring heights, if any there be within four or five hundred yards' distance.

If the Advance Guard come to a wood, supposed to be 2,000 yards broad, the Sergeant will reinforce the three men at the head with six more, who extend themselves on a line with, and just so far to the right and left of the first three, as to be able to see each other, and what lies concealed between them. Should the wood be larger, the Officer must send two men to the right, and as many to the left, around it, who are carefully to examine whether they can see any traces of Troops leading into the wood, and if so, will immediately report the fact. The Column halts until this is ascertained.

Never less than three men should be at the head of the Advance Guard. Their duty is as follows: If there be a height in front, the centre man of the three will trot on until he can look over it and beyond;

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if one be seen to the right or left of the road, one of the other two men must do the same. Near an Enemy this precaution must never be omitted, not even if the hill be 2,000 yards distant. Men that go up a hill to reconnoitre in this manner, (they may belong to an Advance Guard or a Patrol,) must proceed with more than ordinary caution, remembering that it is of as much importance not to be seen by, as to see the Enemy. For this reason, when nearly on top, they should take off their caps and creep up only just far enough to be enabled to look over.

On approaching a village, one of the three goes round it to the right, another to the left, and the third straight through. The Non-commissioned Officer of the Advance Guard quickens his gait, reinforces this last man with three others, of whom one is sent to the right, and the other to the left, through the by-streets; while the third, keeping the leading man always in sight, follows him through the middle of the village. Should these men, in patrolling the village, find no inhabitants, they are to look into the windows, ride into the yards, and examine carefully, if perhaps the Enemy has not concealed himself. Those going round the village, examine the roads and paths, to see if there are any traces of troops leading into it. The Sergeant, with the rest of his men, follows slowly. When he has passed through, he collects his men, sends on three in advance again, and reports to his Officer—who, meantime, has halted behind the village—that it has been patrolled, &c.

BY NIGHT.

The Advance Guard is told off as by day, but the distances between the several divisions must not be so great. The Officer's division is only a hundred yards from the Column, the Sergeant's a hundred from the Officer's, and the three men in Advance, fifty ahead of the Sergeant's party. The communication between them is further kept up by a chain of single men, who ride just so far apart as to be able, each, to see the man before and behind him.

If the Advance Guard, at night, should unexpectedly fall in with the Enemy, it has no choice but instantly to attack him. The Non-commissioned Officer at once disperses his men to the right and left, and fires as much as possible; the Officer advances rapidly with his

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division, and charges. In no other way can the Column gain time for preparation. It is therefore an unpardonable fault in an Advance Guard to get frightened and fall back upon the Column. Everything would then be confusion; it would have been better to have no Advance Guard.

Should the Advance Guard, after a gallant struggle with a superior force, be compelled to retire, its retreat must be made on either side of the Column, but never *on* the Column, for fear of throwing the latter into confusion.

On all these subjects, the men should be well instructed beforehand. Every Commanding Officer of a detached party must consider it as one of his first duties, to give his men clear and circumstantial instructions how to act in every case. Unless he do so, they will frequently act in a manner contrary to his ideas, even with the best intentions.

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III. REAR GUARD

Is told off in separate divisions in the same way as an Advance Guard, only in reverse order. (Fig. 4.)

The object of a Rear Guard is to prevent the Enemy's approaching the Column, unperceived. Two men at the extreme Rear are sufficient, but they must be picked men. They should often halt on the heights they are passing, carefully screening themselves from observation while doing so, to see if, perchance, the Enemy is not following. When a mountain is at hand, the Officer will do well to ride to the top of it, and search thence, the country with his spy-glass.

If the Enemy should follow closely with only a few men, it may be well either to try to drive him off, or, by leading him into an ambuscade, to take some prisoners from him. But should the Rear be attacked, it must instantly be supported by the Sergeant's Troop, and this be supported by the Officer's Troop. Both of these must immediately advance, and do their utmost to prevent the Enemy from coming too near the Column. The Commanding Officer of the Column will either support them, or give them directions to retire slowly. If the Enemy should follow with a more considerable force—say one Squadron, *without* attacking, the Rear Guard will follow the Column in the manner about to be described. Halting until the Column has got a thousand yards ahead of him, the Officer trots on to the ordinary distance of five hundred yards, halts, and fronts; as soon as the Sergeant sees the Officer fronted, he trots on likewise to five hundred yards' distance from the Officer, halts, and fronts; the two men in the rear do the same. In this way, the Enemy is kept off, while at the same time an engagement is avoided, and the horses are saved. Whenever the Column halts, the different parties of the Rear Guard face to the Enemy.

At night, the Rear Guard observes the rules laid down for an Advance Guard. That is to say, the intervals between the several Troops are to be shortened, with

Fig. 4.

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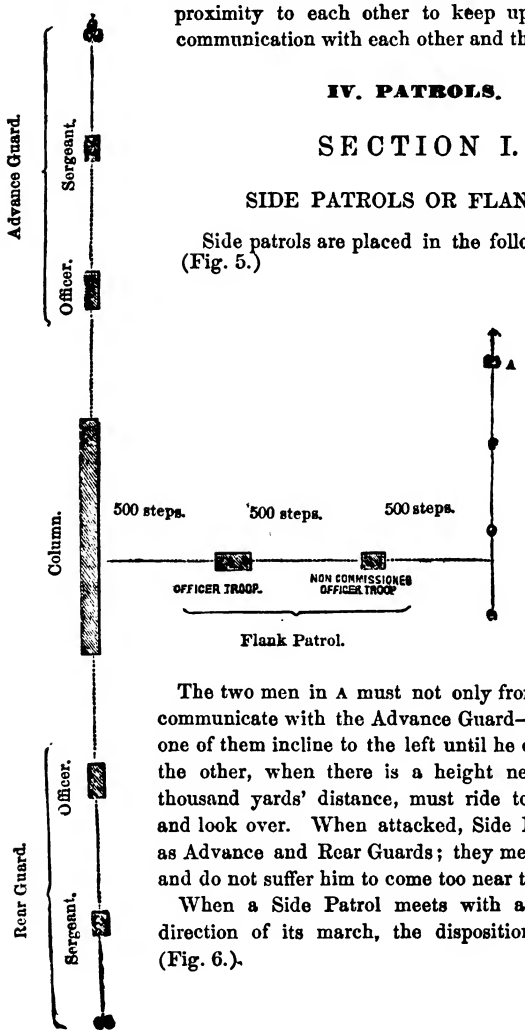
Fig. 5.



single men interspersed through them in sufficient proximity to each other to keep up a connected communication with each other and the Column.

IV. PATROLS.

SECTION I.

SIDE PATROLS OR FLANKERS.

Side patrols are placed in the following manner: (Fig. 5.)

The two men in A must not only from time to time communicate with the Advance Guard—that is to say, one of them incline to the left until he can see it—but the other, when there is a height near, even at a thousand yards' distance, must ride to the top of it and look over. When attacked, Side Patrols behave as Advance and Rear Guards; they meet the Enemy, and do not suffer him to come too near the Column.

When a Side Patrol meets with a wood in the direction of its march, the disposition is altered.—(Fig. 6.).

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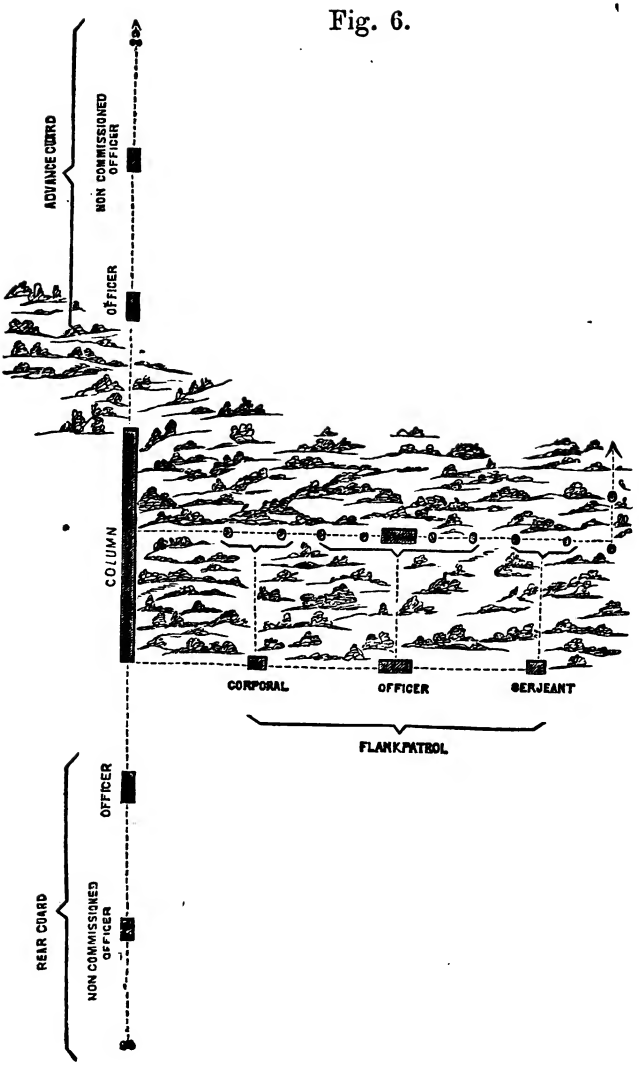
Fig. 6.



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The Officer detaches the Sergeant's Troop to the right, the Corporal and four men to the left, and himself remains with his men in the centre. The Sergeant sends two men to the skirts of the wood; these must look at the tracks, and one of them occasionally rides to the top of a height, if any be near; the remainder divide themselves to the left of these two men, at such a distance that they can keep one another in sight. The Corporal divides his men in the same manner, between the Right Flank of the Column and the Officer's Troop. If the officer perceive that these two lines are not extensive enough to cover the ground towards his troop, he detaches a sufficient number of men to the right and left, to form a perfect line, which line must be careful never to pass the head of the Column. The Non-commissioned Officers endeavor to keep their men in the same line with the Officer's division. All this should be done quietly, without hurry or fuss, and will be so done, wherever the men have been previously instructed in their duty. To see men unnecessarily galloping and fatiguing their horses on such occasions, from mere want of instruction, and without doing any more good than if at a walk, really excites one's pity.

SECTION II.

PATROLLING A WOOD.

This is done in the manner just described (SECTION I) for a Side Patrol, with the difference, that two men are also sent round to the left skirt of the wood.

SECTION III.

PATROLS OF DISCOVERY

Consist generally of a considerable force, so as to be enabled to defend themselves against small parties or patrols of the Enemy, and are sent for the purpose of ascertaining, whether a certain place is in the Enemy's

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possession, whether he is on the move against us, or whether a certain district is occupied by him. Such a Patrol usually has three men for an Advance and two for its Rear Guard; and, if necessary, sends one man to its right, and another to the left, along its heights.

As not only the safety of the Patrol frequently, but the very object for which it is sent, depends upon its not being seen by the Enemy, it is of the utmost importance to impress well upon the men in front, that they are not to be satisfied with merely looking out before them, but to examine closely the tracks along the cross-roads, ascend the hills with caution, &c.

If this be done, the Patrol will sometimes have a chance of making prisoners. A Patrol which sees the Enemy advancing towards it with not too strong a force, must conceal itself, and at the proper moment attack him vigorously; whereby he will be thrown into confusion, fly, and perhaps lose some prisoners. When the Enemy is too strong, the Patrol avoids him, and, if circumstances permit, continues its march, and endeavors to carry out the object for which it was sent.

A Patrol must never enter a village or wood, which has not been examined; but this is to be so managed as not to delay the Patrol. For, it must be borne in mind, that the officer who sent it out has calculated the time of its return; should it not come back at that time, he may get apprehensive, and send another one out to look for it; whereby both men and horses will be unnecessarily fatigued.

In passing, at night, a village which the Enemy may have occupied, the Patrol is to halt about five or six hundred yards from it. When no Vedettes of the Enemy are visible, a few men are sent to the right and left, who approach stealthily, to ascertain if the entrances to the village are occupied by troops, and to try and pick up an inhabitant, whom they may bring back with them. If nothing can be learned in this way, the Patrol moves on, observing the precautions mentioned in a former Section.

When a Patrol is ordered to ascertain, by night, whether a village is occupied, and how, three of the best mounted men are picked out for the lead; eight others follow at a distance of twenty-four yards; and the remainder of the Patrol, at a hundred yards. The Enemy's Vedettes are then approached without noise, and as soon as one challenges, the three men in advance bear down on him at full speed.

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to take him prisoner. Should they not succeed, they with the other eight must make a dash at the Guard, to bring off a prisoner, with whom they retire. The alarm will be given in the village to a certainty, and the sounding of trumpets or beating of drums, will enable the Patrol to judge by what kind of troops it is occupied. If a Patrol go so far as to be obliged to feed, it must never stop to do so in a village, but always in an open country under some trees, and, while halting for this purpose, must never omit to throw out Vedettes. The horses must be watered and fed by detachments—never *all* at the same time—so as to guard against surprise.

Provisions and forage, if it be necessary to get them out of villages, must be brought out by the inhabitants.

On such occasions, as on all others, the inhabitants are to be treated with kindness; any attempt to rob or ill-treat them, must be promptly and most severely punished.

But the object had in view by the Patrol, and the direction of its route, must be carefully concealed from them. Guides that are sent home must, if possible, be deceived, by the Patrol's marching in a false direction, until they are out of sight. If information about the road be wanted, the inquiry must embrace several roads, that the true one may not be suspected.

SECTION IV.

SECRET PATROLS.

THESE only consist of a few men, say six or eight, and are generally sent out on the flanks, sometimes in rear of the Enemy's Army. They have frequently to go far, and be long gone, to make the necessary observations; and of all the duties of Light Cavalry, therefore, this is the most difficult to perform.

Many of the rules laid down for other Patrols, are likewise applicable here.

A Patrol of this kind marches without Advance or Rear Guard. Only one man must be detached to look over the country from the hill-tops. The high roads must be avoided as much as possible, and

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the Patrol march by by-roads, deep valleys, &c., &c. A guide on horseback will be of great service to such a Patrol; but he is to be paid for it, and well treated. The Patrol, to feed, must go off the road into a thicket or wood, and a look-out be set from a tree. If anything hostile approach, the Patrol must escape unperceived, and seek out another place of concealment, until it may continue its march without danger. A fire can rarely be lighted—never without being very careful to hide it; but it is better to do without one. An inhabitant who meets with the Patrol at night, must remain with it until the march is resumed. Should a Secret Patrol, in spite of all these precautions, be discovered by the Ememy, it must fly. But, as soon as the Enemy gives up the pursuit, it must make a renewed attempt to get, by roundabout ways, to where it is to execute its commission.

A well-informed and clever officer is required for this kind of duty; one who speaks the language of the country, and has a knowledge of the customs, habits, hopes, and fears of the inhabitants.

It is to be remarked, in conclusion, that if the Leader of a Patrol, when returned, cannot answer the following questions about the roads he has passed over:

As to whether they are rocky, sandy, or boggy?

How many streams were passed; their distance from one another; their breadth, depth, and strength of current?

The character of their banks; whether steep, miry, &c.?

Whether fordable at every season for Cavalry, Infantry, or Artillery, &c.?

How many bridges span them; whether of wood or stone, massive or slight?

How many villages there are on the road; their names; and the distances from one to the other?

Whether the road run much through woods, or at some distance from them; the woods, of what size and kind, &c.?

he has lost sight of one of the chief points of his duty.

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CONCLUSION.

The foregoing is but a sketch of the duties performed by Light Cavalry. The young and inexperienced Soldier may look upon it as an introduction to his duties—nothing more. Knowing this much, he will have still much to learn; but less than this he could hardly know, and still remain an officer.

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PART II.

ARTICLE XXXVI.—ARMY REGULATIONS.

(EDITION OF 1861.)

TROOPS IN CAMPAIGN.

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TROOPS IN CAMPAIGN.

ORGANIZATION OF AN ARMY IN THE FIELD.

The formation by divisions is the basis of the organization and administration of armies in the field.

A division consists usually of two or three brigades, either of infantry or cavalry, and troops of other corps in the necessary proportion.

A brigade is formed of two or more regiments. The first number takes the right.

Mixed brigades are sometimes formed of infantry and light cavalry, especially for the advanced guards.

As the troops arrive at the rendezvous, the general commanding-in-chief will organize them into brigades and divisions.

The light cavalry is employed as flankers and partisans, and generally for all service out of the line.

Heavy cavalry belongs to the reserve, and is covered, when necessary, in marches, camps, or bivouacs, by light troops, or infantry of the line.

The arrangement of the troops on parade and in order of battle is—1st, the light infantry; 2d, infantry of the line; 3d, light cavalry; 4th, cavalry of the line; 5th, heavy cavalry. The troops of the artillery and engineers are in the centre of the brigades, divisions, or corps to which they are attached; marines take the left of other infantry; volunteers and militia take the left of regular troops of the same arm, and among themselves, regiments of volunteers or militia of the same arm take place by lot. This arrangement is varied by the general commanding-in-chief, as the circumstances of war render expedient.

Brigades in divisions, and divisions in the army, are numbered from right to left; but in reports of military operations, brigades and divisions are designated by the name of the general commanding them.

The order of regiments in brigades and of brigades in divisions may be changed by the commander of the division for important reasons, such as the weakness of some corps, or to relieve one from marching toc

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long at the rear of the column. Such changes must be reported to the general commanding-in-chief.

The general commanding-in-chief assigns the generals of divisions and of brigades to their respective commands, when the assignment is not made by the Department of War.

The general of brigade inspects his troops in detail, by companies, when he takes the command and at the opening of the campaign, and as often as may be necessary to ascertain exactly their condition. The general of division makes similar inspections when he thinks proper. At these inspections the generals examine the arms, clothing, equipment, harness, horses, &c., direct the necessary repairs, and designate the men and horses to remain in depot, or march with the train.

Reports of inspections are made by the general of brigade to the general of division, and by the general of division to the general commanding-in-chief.

During marches and all active operations, generals of brigade keep themselves exactly informed, by reports of corps and by their inspections, of the actual strength of the regiments, so as always, and especially after an engagement, to make accurate returns to the general of division.

Staff officers, and officers of engineers, ordnance, and artillery, according to the nature of the service, are assigned to the headquarters of armies and divisions, and detached brigades, by order of the general commanding-in-chief, when the distribution of these officers has not been regulated by the War Department. The necessary staff will be assigned to commanders of brigades.

When an engineer or other officer is charged with directing an expedition or making a reconnoissance, without having command of the escort, the commander of the escort shall consult him on all the arrangements necessary to secure the success of the operation.

Staff officers, and commanders of engineers, ordnance, and artillery, report to their immediate commanders the state of the supplies and whatever concerns the service under their direction, and receive their orders, and communicate to them those they receive from their superiors in their own corps.

The senior officer of engineers, of ordnance, and the departments of the general staff serving at the chief headquarters in the field, will transmit to the bureau of his department at Washington, at the close of the

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campaign, and such other times as the commander in the field may approve, a full report of the operations of his department, and whatever information to improve its service he may be able to furnish.

The report of the officer of engineers will embrace plans of military works executed during the campaign, and, in case of siege, a journal of the attack or defence.

CONTRIBUTIONS.

When the wants of the army absolutely require it, and in other cases, under special instructions from the War Department, the general commanding the army may levy contributions in money or kind on the enemy's country occupied by the troops. No other commander can levy such contributions without written authority from the general com manding-in-chief.

ORDERLIES.

At the opening of a campaign, the commander of an army determines and announces in orders the number of orderlies, mounted or foot, for the Generals, and the corps or regiments by which they are to be supplied, and the periods at which they shall be relieved.

In marches, the mounted orderlies follow the Generals, and perform the duty of escorts, or march with orderlies on foot at the head of the division or brigade.

The staff officer who distributes the orderlies to their posts sends with them a note of the time and place of departure; those relieved receive a like note from the staff officer at the headquarters.

Mounted soldiers are to be employed to carry despatches only in special and urgent cases.—(See *Despatches.*)

The precise time when the despatch is sent off, and the rate at which it is to be conveyed, are to be written clearly on the covers of all letters transmitted by a mounted orderly, and the necessary instructions to him, and the rate of travel going and returning, are to be distinctly explained to him.

DEPOTS.

The grand depots of an army are established where the military operations would not expose them to be broken up. Smaller depots are organized for the divisions and the several arms. They are commanded by officers temporarily disabled for field service, or by other officers when necessary, and comprise, as much as possible, the hospitals and

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depots for convalescents. When conveniently placed, they serve as points for the halting and assembling of detachments. They receive the disabled from the corps on the march; and the officers in command of the depots send with the detachments to the army those at the depots who have become fit for service.

CAMPS.

A camp is the place where troops are established in tents, in huts, or in bivouac. Cantonments are the inhabited places which troops occupy for shelter when not put in barracks. The camping-party is a detachment detailed to prepare a camp.

Reconnoissances should precede the establishment of the camp. For a camp of troops on the march, it is only necessary to look to the health and comfort of the troops, the facility of the communications, the convenience of wood and water, and the resources in provisions and forage. The ground for an intrenched camp, or a camp to cover a country, or one designed to deceive the enemy as to the strength of the army, must be selected, and the camp arranged for the object in view.

The camping-party of a regiment consists of the Regimental Quartermaster and Quartermaster Sergeant, and a Corporal and two men per company. The General decides whether the regiments camp separately or together, and whether the police guard shall accompany the camping-party, or a larger escort shall be sent.

Neither baggage nor led horses are permitted to move with the camping-party.

When the General can send in advance to prepare the camp, he gives his instructions to the Chief of the Quartermaster's Department, who calls on the regiments for their camping-parties, and is accompanied, if necessary, by an engineer to propose the defences and communications.

The watering-places are examined, and signals placed at those that are dangerous. Any work required to make them of easier access is done by the police guard or Quartermaster's men. Sentinels, to be relieved by the guards of the regiment when they come up, are placed by the camping-party over the water if it is scarce, and over the houses and stores of provisions and forage in the vicinity.

If the camping-party does not precede the regiment, the Quartermaster attends to these things as soon as the regiment reaches the camp.

On reaching the ground, the infantry form on the color front; the cavalry in rear of its camp.

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CAMP OF A REGIMENT OF INFANTRY

Cl.—Colonel.
Lt. Cl.—Lieut. Colonel.
M.—Major.
Surg.—Surgeon.

Ast. Sur.—Asst. Surgeon.
Adjt.—Adjutant.
Q. M.—Quartermaster.
n-c-s.—Non.-Com.-Staff.

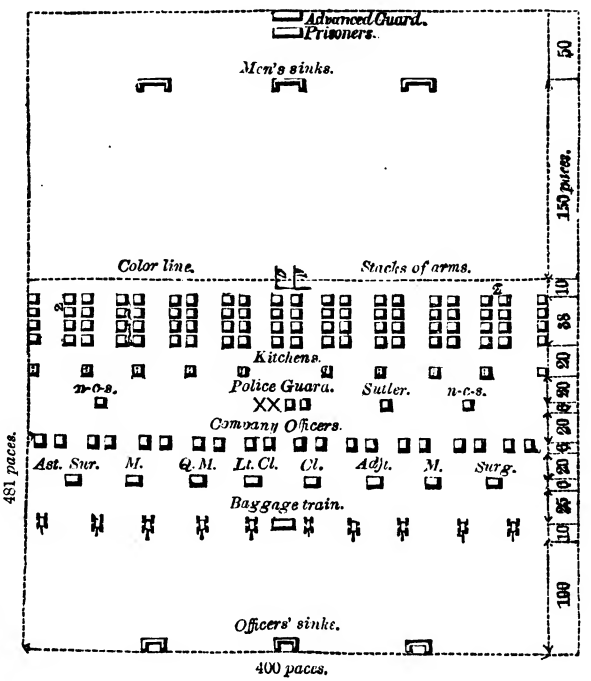

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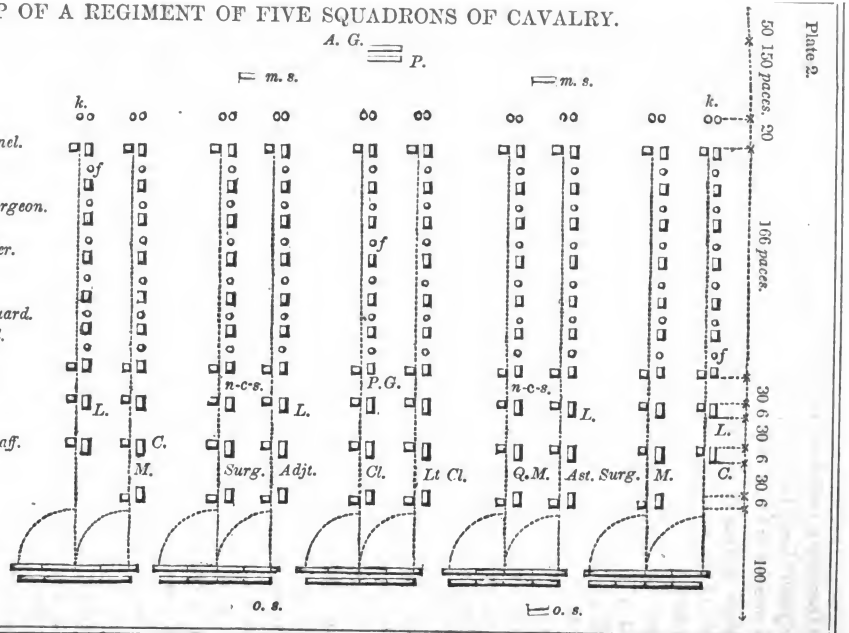
Plate 2.

CAMP OF A REGIMENT OF FIVE SQUADRONS OF CAVALRY.



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The Generals establish the troops in camp as rapidly as possible, particularly after long, fatiguing marches.

The number of men to be furnished for guards, pickets, and orderlies; the fatigue parties to be sent for supplies; the work to be done, and the strength of the working parties; the time and place for issues; the hour of marching, &c., are then announced by the Brigadier Generals to the Colonels, and by them to the field officers—the Adjutant and Captains formed in front of the regiment, the First Sergeants taking post behind their Captains. The Adjutant then makes the details, and the First Sergeants warn the men. The regimental officer of the day forms the picket, and sends the guards to their posts. The colors are then planted at the centre of the color line, and the arms are stacked on the line; the fatigue parties to procure supplies, and the working parties form in rear of the arms; the men not on detail pitch the tents.

If the camp is near the enemy, the picket remains under arms until the return of the fatigue parties, and, if necessary, is re-enforced by details from each company.

In the cavalry, each troop moves a little in rear of the point at which its horses are to be secured, and forms in one rank; the men then dismount; a detail is made to hold the horses; the rest stack their arms and fix the picket-rope; after the horses are attended to, the tents are pitched, and each horseman places his carbine at the side from the weather, and hangs his sabre and bridle on it.

The standard is then carried to the tent of the Colonel.

The terms front, flank, right, left, file, and rank, have the same meaning when applied to camps as to the order of battle.

The front of the camp is usually equal to the front of the troops. The tents are arranged in ranks and files. The number of ranks varies with the strength of the companies and the size of the tents.

No officer will be allowed to occupy a house, although vacant and on the ground of his camp, except by permission of the commander of the brigade, who shall report it to the commander of the division.

The staff officer charged with establishing the camp will designate the place for the shambles. The offal will be buried.

CAMP OF INFANTRY.

Each company has its tents in two files, facing on a street perpendicular to the color line. The width of the street depends on the front of

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the camp, but should not be less than 5 paces. The interval between the ranks of tents is 2 paces; between the files of tents of adjacent companies, 2 paces; between regiments, 22 paces.

The color line is 10 paces in front of the front rank of tents. The kitchens are 20 paces behind the rear rank of company tents; the non-commissioned staff and sutler, 20 paces in rear of the kitchens; the company officers, 20 paces further in rear; and the field and staff, 20 paces in rear of the company officers.

The company officers are in rear of their respective companies; the Captains on the right.

The Colonel and Lieutenant Colonel are near the centre of the line of field and staff; the Adjutant, a Major, and Surgeon on the right; the Quartermaster, a Major, and Assistant Surgeon, on the left.

The police guard is at the centre of the line of the non-commissioned staff, the tents facing to the front, the stacks of arms on the left.

The advanced post of the police guard is about 200 paces in front of the color line, and opposite the centre of the regiment, or on the best ground; the prisoners's tent about 4 paces in rear. In a regiment of the second line, the advanced post of the police guard is 200 paces in rear of the line of its field and staff.

The horses of the staff officers and of the baggage train are 25 paces in rear of the tents of the field and staff; the wagons are parked on the same line, and the men of the train camped near them.

The sinks of the men are 150 paces in front of the color line; those of the officers 100 paces in rear of the train. Both are concealed by bushes. When convenient, the sinks of the men may be placed in rear or on a flank. A portion of the earth dug out for sinks to be thrown back occasionally.

The front of the camp of a regiment of 1,000 men in two ranks will be 400 paces, or one-fifth less paces than the number of files, if the camp is to have the same front as troops in order of battle. But the front may be reduced to 190 paces by narrowing the company streets to 5 paces; and if it be desirable to reduce the front still more, the tents of companies may be pitched in single file—those of a division facing on the same street.

CAMP OF CAVALRY.

In the cavalry, each company has one file of tents—the tents opening on the street facing the left of the camp.

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The horses of each company are placed in a single file, facing the opening of the tents, and are fastened to pickets planted firmly in the ground, from 3 to 6 paces from the tents of the troops.

The interval between the file of tents should be such that, the regiment being broken into column of companies, [as indicated in plate,] each company should be on the extension of the line on which the horses are to be picketed.

The streets separating the squadrons are wider than those between the companies by the interval separating squadrons in line; these intervals are kept free from any obstruction throughout the camp.

The horses of the rear rank are placed on the left of those of their file-leaders.

The horses of the Lieutenants are placed on the right of their platoons; those of the Captains on the right of the company.

Each horse occupies a space of about 2 paces. The number of horses in the company fixes the depth of the camp, and the distance between the files of tents; the forage is placed between the tents.

The kitchens are 20 paces in front of each file of tents.

The non-commissioned officers are in the tents of the front rank. Camp-followers, teamsters, &c., are in the rear rank. The police guard in the rear rank, near the centre of the regiment.

The tents of the Lieutenants are 30 paces in rear of the file of their company; the tents of the Captains 30 paces in rear of the Lieutenants.

The Colonel's tent 30 paces in rear of the Captains', near the centre of the regiment; the Lieutenant Colonel on his right; the Adjutant on his left; the Majors on the same line, opposite the 2d company on the right and left; the Surgeon on the left of the Adjutant.

The field and staff have their horses on the left of their tents, on the same line with the company horses; sick horses are placed in one line on the right or left of the camp. The men who attend them have a separate file of tents; the forges and wagons in rear of this file. The horses of the train and of camp-followers are in one or more files extending to the rear, behind the right or left squadron. The advanced post of the police guard is 200 paces in front, opposite the centre of the regiment; the horses in one or two files.

The sinks for the men are 150 paces in front—those for officers 100 paces in rear of the camp.

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CAMP OF ARTILLERY.

The artillery is encamped near the troops to which it is attached, so as to be protected from attack, and to contribute to the defence of the camp. Sentinels for the park are furnished by the artillery, and, when necessary, by the other troops.

For a battery of 6 pieces the tents are in three files—one for each section; distance between the ranks of tents 15 paces; tents opening to the front. The horses of each section are picketed in one file, 10 paces to the left of the file of tents. In the horse artillery, or if the number of horses makes it necessary, the horses are in two files on the right and left of the file of tents. The kitchens are 25 paces in front of the front rank of tents. The tents of the officers are in the outside files of company tents, 25 paces in rear of the rear rank—the Captain on the right, the Lieutenants on the left.

The park is opposite the centre of the camp, 40 paces in rear of the officers' tents. The carriages in files 4 paces apart; distance between ranks of carriages sufficient for the horses when harnessed to them; the park guard is 25 paces in rear of the park. The sinks for the men 150 paces in front; for the officers 100 paces in rear. The harness is in the tents of the men.

BIVOUACS.

A regiment of cavalry being in order of battle, in rear of the ground to be occupied, the Colonel breaks it by platoons to the right. The horses of each platoon are placed in a single row, and fastened as prescribed for camps; near the enemy they remain saddled all night, with slackened girths. The arms are at first stacked in rear of each row of horses; the sabres, with the bridles hung on them, are placed against the stacks.

The forage is placed on the right of each row of horses. Two stable-guards for each platoon watch the horses.

A fire for each platoon is made near the color line, 20 paces to the left of the row of horses. A shelter is made for the men around the fire, if possible, and each man then stands his arms and bridle against the shelter.

The fires and shelter for the officers are placed in rear of the line of those for the men.

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The interval between the squadrons must be without obstruction throughout the whole depth of the bivouac.

The interval between the shelters should be such that the platoons can take up a line of battle freely to the front or rear.

The distance from the enemy decides the manner in which the horses are to be fed and led to water. When it is permitted to unsaddle, the saddles are placed in the rear of the horses.

In infantry, the fires are made in rear of the *color line*, on the ground that would be occupied by the tents in camp. The companies are placed around them, and, if possible, construct shelters. When liable to surprise, the infantry should stand to arms at daybreak, and the cavalry mount until the return of the reconnoitring parties. If the arms are to be taken apart to clean, it must be done by detachments, successively.

CANTONMENTS.

The cavalry should be placed under shelter whenever the distance from the enemy, and from the ground where the troops are to form for battle, permit it. Taverns and farm-houses, with large stables and free access, are selected for quartering them.

The Colonel indicates the place of assembling in case of alarm. It should generally be outside the cantonment; the egress from it should be free; the retreat upon the other positions secure, and roads leading to it on the side of the enemy obstructed.

The necessary orders being given, as in establishing a camp, the picket and grand guards are posted. A sentinel may be placed on a steeple or high house, and then the troops are marched to the quarters. The men sleep in the stables, if it is thought necessary.

The above applies in the main to infantry. Near the enemy, companies or platoons should be collected, as much as possible, in the same houses. If companies must be separated, they should be divided by platoons or squads. All take arms at daybreak.

When cavalry and infantry canton together, the latter furnish the guards by night, and the former by day.

Troops cantoned in presence of the enemy should be covered by advanced guards and by natural or artificial obstacles. Cantonments taken during a cessation of hostilities should be established in rear of a line of defence, and in front of the point on which the troops would concentrate to receive an attack. The General commanding-in-chief assigns the limits

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of their cantonments to the divisions, the commanders of divisions to brigades, and the commanders of brigades post their regiments. The position for each corps in case of attack is carefully pointed out by the Generals.

HEADQUARTERS.

Generals take post at the centre of their commands, on the main channels of communication. If troops bivouac in presence of the enemy the Generals bivouac with them.

MILITARY EXERCISES.

When troops remain in camp or cantonment many days the Colonels require them to be exercised in the school of the battalion and squadron. Regiments and brigades encamped by division are not united for drills without the permission of the General of division. The troops must not be exercised at the firings without the authority of the General commanding-in-chief. The practice of the drums must never begin with the "general," or the "march of the regiment;" nor the trumpets with the sound "to horse." The hour for practice is always announced.

ORDERS.

In the field, verbal orders and important sealed orders are carried by officers, and, if possible, by staff officers. When orders are carried by orderlies, the place and time of departure will be marked on them, and place and time of delivery on the receipt.

DESPATCHES.

Despatches, particularly for distant corps, should be intrusted only to officers to whom their contents can be confided. In a country occupied by the enemy, the bearer of despatches should be accompanied by at least two of the best mounted men; should avoid towns and villages, and the main roads; rest as little as possible, and only at out-of-the-way places. Where there is danger, he should send one of the men in advance, and be always ready to destroy his despatches. He should be adroit in answering questions about the army, and not to be intimidated by threats.

WATCHWORDS.

The parole and countersign are issued daily from the principal headquarters of the command. The countersign is given to the sentinels

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and non-commissioned officers of guards; the parole to the commissioned officers of guards. The parole is usually the name of a general; the countersign that of a battle.

When the parole and countersign cannot be communicated daily to a post or detachment which ought to use the same as the main body, a series of words may be sent for some days in advance.

If the countersign is lost, or one of the guard deserts with it, the commander on the spot will substitute another, and report the case at once to the proper superior, that immediate notice may be given to headquarters.

ISSUES.

At what time and for what period issues are made must depend on circumstances and be regulated in orders. When an army is not moving, rations are generally issued for four days at a time. Issues to the companies of a regiment, and the fatigues to receive them, are superintended by an officer detailed from the regiment. Issues are made from one end of the line to the other, beginning on the right and left alternately. An issue commenced to one regiment will not be interrupted for another entitled to precedence if it had been in place.

THE ROSTER, OR DETAILS FOR SERVICE.

The duties performed by detail are of three classes. The *first class* comprises, 1st, grand guards and outposts; 2d, interior guards, as of magazine, hospital, &c.; 3d, orderlies; 4th, police guards.

The *second class* comprises, 1st, detachments to protect laborers on military works, as field-works, communications, &c.; 2d, working parties on such works; 3d, detachments to protect fatigues.

The *third class* are all fatigues, without arms, in or out of camp.

In the cavalry, stable-guards form a separate roster, and count before fatigue.

The rosters are distinct for each class. Officers are named on them in the order of rank. The details are taken in succession in the order of the roster, beginning at the head.

Lieutenants form one roster, and first and second Lieutenants are entered on it alternately. The senior first Lieutenant is the first on the roster; the senior second Lieutenant is the second, &c. The Captains form one roster, and are exempt from fatigues, except to superintend

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issues. A Captain commanding a battalion temporarily is exempt from detail, and duty falling to him passes. Lieutenant Colonels and Majors are on one roster. They may be detailed for duties of the first and second classes when the importance of the guards and detachments requires it. Their roster is kept at division and brigade headquarters. In the company, sergeants, corporals, and privates form distinct rosters.

Officers, non-commissioned officers, and soldiers take duties of the first class in the order stated, viz: the first, for the detail, takes the grand guards; the next, the interior guards; the last, the police guard; and the same rule in regard to the details and duties of the second class. In the details for the third class, the senior officer takes the largest party. The party first for detail takes the service out of camp.

When the officer whose tour it is is not able to take it, or is not present at the hour of marching, the next after him takes it. When a guard has passed the chain of sentinels, or an interior guard has reached its post, the officer whose tour it was cannot then take it. He takes the tour of the officer who has taken his. When an officer is prevented by sickness from taking his tour, it passes. These rules apply equally to non-commissioned officers and soldiers.

Duties of the first and second classes are credited on the roster when the guards or detachments have passed the chain of sentinels, or an interior guard has reached its post; fatigue duties when the parties have passed the chain or begun the duties in camp.

Every officer, non-commissioned officer, or soldier on duty of the first class, or who is of the next detail for such duty, takes, when relieved, the duty of the second or third class that has fallen to him during that time, unless he has marched for detachment of more than twenty-four hours.

Soldiers march with knapsacks on all duties of the first class; and with arms and equipments complete on all working parties out of the camp, unless otherwise ordered. In the cavalry, horses are packed for all mounted service.

In the cavalry dismounted men, and those whose horses are not in order, are preferred for the detail for dismounted service. Those who are mounted are never employed on those services if the number of the other class are sufficient.

Every non-commissioned officer and soldier in the cavalry detailed for dismounted service must, before he marches, take to the First Sergeant

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of the troop, or Sergeant of his squad, his horse equipments and his valise ready packed. In case of alarm the First Sergeant sees that the horses of these men are equipped and led to the rendezvous.

These rules in regard to the roster apply also to service in garrison.

POLICE GUARD.

In each regiment a police guard is detailed every day, consisting of two sergeants, three corporals, two drummers, and men enough to furnish the required sentinels and patrols. The men are taken from all the companies, from each in proportion to its strength. The guard is commanded by a Lieutenant, under the supervision of a Captain, as regimental officer of the day. It furnishes ten sentinels at the camp: one over the arms of the guard; one at the Colonel's tent; three on the color front, one of them over the colors; three, fifty paces in rear of the field officers' tents; and one on each flank, between it and the next regiment. If it is a flank regiment, one more sentinel is posted on the outer flank.

An advanced post is detached from the police guard, composed of a sergeant, a corporal, a drummer, and nine men to furnish sentinels and the guard over the prisoners. The men are the first of the guard roster from each company. The men of the advanced post must not leave it under any pretext. Their meals are sent to the post. The advanced post furnishes three sentinels; two a few paces in front of the post, opposite the right and left wing of the regiment, posted so as to see as far as possible to the front, and one over the arms.

In the cavalry dismounted men are employed in preference on the police guard. The mounted men on guard are sent in succession, a part at a time, to groom their horses. The advanced post is always formed of mounted men.

In each company a corporal has charge of the stable guard. His tour begins at retreat, and ends at morning stable-call. The stable guard is large enough to relieve the men on post every two hours. They sleep in their tents, and are called by the corporal when wanted. At retreat he closes the streets of the camp with cords, or uses other precautions to prevent the escape of loose horses.

The officer of the day is charged with the order and cleanliness of the camp. A fatigue is furnished to him when the number of prisoners is insufficient to clean the camp. He has the calls beaten by the drummer of the guard.

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The police guard and the advanced post pay the same honors as other guards. They take arms when an armed body approaches.

The sentinel over the colors has orders not to permit them to be moved except in presence of an escort; to let no one touch them but the color-bearer, or the sergeant of the police guard when he is accompanied by two armed men.

The sentinels on the color front permit no soldier to take arms from the stacks, except by order of some officer, or a non-commissioned officer of the guard. The sentinel at the Colonel's tent has orders to warn him, day or night, of any unusual movement in or about the camp.

The sentinels on the front, flanks, and rear see that no soldier leaves camp with horse or arms unless conducted by a non-commissioned officer. They prevent non-commissioned officers and soldiers from passing out at night, except to go to the sinks, and mark if they return. They arrest, at any time, suspicious persons prowling about the camp, and at night, every one who attempts to enter, even the soldiers of other corps. Arrested persons are sent to the officer of the guard, who sends them, if necessary, to the officer of the day.

The sentinels on the front of the advanced post have orders to permit neither non-commissioned officers nor soldiers to pass the line, without reporting at the advanced post; to warn the advanced post of the approach of any armed body, and to arrest all suspicious persons. The Sergeant sends persons so arrested to the officer of the guard, and warns him of the approach of any armed body.

The sentinel over the arms at the advanced post guards the prisoners and keeps sight of them, and suffers no one to converse with them without permission. They are only permitted to go to the sinks one at a time, and under a sentinel.

If any one is to be passed out of camp at night, the officer of the guard sends him under escort to the advanced post, and the sergeant of the post has him passed over the chain.

At retreat the officer of the guard has the roll of his guard called, and inspects arms, to see that they are loaded and in order; and visits the advanced post for the same purpose. The sergeant of the police guard, accompanied by two armed soldiers, folds the colors and lays them on the trestle in rear of the arms. He sees that the sutler's stores are then closed, and the men leave them, and that the kitchen fires are put out at the appointed hour.

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The officer of the day satisfies himself frequently during the night of the vigilance of the police guard and advanced post. He prescribes patrols and rounds to be made by the officer and non-commissioned officers of the guard. The officer of the guard orders them when he thinks necessary. He visits the sentinels frequently.

At reveille the police guard takes arms; the officer of the guard inspects it and the advanced post. The Sergeant replants the colors in place. At retreat and reveille the advanced post takes arms; the Sergeant makes his report to the officer of the guard when he visits the post.

When necessary, the camp is covered at night with small outposts, forming a double chain of sentinels. These posts are under the orders of the commander of the police guard, and are visited by his patrols and rounds.

The officer of the guard makes his report of his tour of service, including the advanced post, and sends it, after the guard is marched off, to the officer of the day.

When the regiment marches, the men of the police guard return to their companies, except those of the advanced post. In the cavalry, at the sound "boot and saddle," the officer of the guard sends one-half the men to saddle and pack; when the regiment assembles, all the men join it.

When the camping party precedes the regiment, and the new police guard marches with the camping party, the guard, on reaching the camp, forms in line thirty paces in front of the centre of the ground marked for the regiment. The officer of the guard furnishes the sentinels required by the commander of the camping party. The advanced post takes its station.

The advanced post of the old police guard takes charge of the prisoners on the march, and marches, bayonets fixed, at the centre of the regiment. On reaching camp it turns over the prisoners to the new advanced post.

THE PICKET.

The detail for the picket is made daily, after the details for duty of the first class, and from the next for detail on the roster of that class. It is designed to furnish detachments and guards unexpectedly called for in the twenty-four hours; it counts as a tour of the first class to those who have marched on detachment or guard, or who have passed the night in bivouac.

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The officers, non-commissioned officers, and soldiers of the picket are at all times dressed and equipped; the horses are saddled, and knapsacks and valises ready to be put on.

Detachments and guards from the picket are taken from the head of the picket-roll in each company, and, if possible, equally from each company. The picket of a regiment is composed of a Lieutenant, two Sergeants, four Corporals, a drummer, and about forty privates. For a smaller force, the picket is in proportion to the strength of the detachment.

Officers and men of the picket who march on detachment or guard before retreat will be replaced.

The picket is assembled by the Adjutant at guard-mounting; it is posted twelve paces in rear of the guard, and is inspected by its own commander. When the guard has marched in review the commandant of the picket marches it to the left of the police guard, where it stacks its arms, and is dismissed; the arms are under charge of the sentinel of the police guard.

The picket is only assembled by the orders of the Colonel or officer of the day. It forms on the left of the police guard.

The officer of the day requires the roll of the picket to be called frequently during the day; the call is sounded from the police guard. At roll-calls and inspections infantry pickets assemble with knapsacks on, cavalry on foot. The picket is assembled at retreat; the officer has the roll called, and inspects the arms. The picket sleep in their tents, but without undressing.

The picket does not assemble at night except in cases of alarm, or when the whole or a part is to march; then the officer of the day calls the officers, the latter the non-commissioned officers, and these the men, for which purpose each ascertains the tents of those he is to call; they are assembled without beat of drum or other noise. At night cavalry pickets assemble mounted.

Pickets rejoin their companies whenever the regiment is under arms for review, drill, march, or battle.

GRAND GUARDS AND OTHER OUTPOSTS

Grand guards are the advanced posts of a camp or cantonment, and should cover the approaches to it. Their number, strength, and position are regulated by the commanders of brigades; in detached corps, by the commanding officer. When it can be, the grand guards of cavalry and

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infantry are combined, the cavalry furnishing the advanced sentinels. When the cavalry is weak the grand guards are infantry, but furnished with a few cavalry soldiers to get and carry intelligence of the enemy.

The strength of the grand guard of a brigade will depend on its object and the strength of the regiments, the nature of the country, the position of the enemy, and the disposition of the inhabitants. It is usually commanded by a Captain.

Under the supervision of the Generals of Division and Brigade, the grand guards are specially under the direction of a field officer of the day in each brigade. In case of necessity, Captains may be added to the roster of Lieutenant Colonels and Majors for this detail.

Staff officers, sent from division headquarters to inspect the posts of grand guards, give them orders only in urgent cases, and in the absence of the field officer of the day of the brigade.

Grand guards usually mount at the same time as the other guards, but may mount before daybreak if the General of Brigade thinks it necessary to double the outposts at that time. In this case they assemble and march without noise, and during their march throw out scouts. This precaution should always be taken in the first posting of a grand guard. The doubling of guards weakens the corps and fatigues the men, and should seldom be resorted to, and never when preparing to march or fight.

A grand guard is conducted to its post, in the first instance, by the field officer of the day, guided by a staff officer who accompanied the General in his reconnoissance. After the post has been established the commander sends to the field officer of the day, when necessary, a soldier of the guard to guide the relieving guard to the post. He also sends to him in the evening a corporal or trusty man of the guard for the note containing the parole and countersign, and sends them before dark to the detached posts. He will not suffer his guard to be relieved except by a guard of the brigade, or by special orders.

If there is no pass to be observed or defended, the grand guards are placed near the centre of the ground they are to observe, on sheltered, and, if possible, high ground, the better to conceal their strength and observe the enemy; they ought not to be placed near the edge of a wood. When, during the day, they are placed very near or in sight of the enemy, they fall back at night on posts selected further to the rear.

In broken or mountainous countries, and particularly if the inhabitants

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are ill disposed, intermediate posts must be established when it is necessary to post the grand guard distant from the camp.

Grand guards are chiefly to watch the enemy in front; their flanks are protected by each other, and the camp must furnish posts to protect their rear and secure their retreat.

Grand guards are seldom intrenched, and never without the orders of the General, except by a barricade or ditch when exposed in a plain to attacks of cavalry.

The General of Division, if he thinks proper, changes the stations and orders of these guards, and establishes posts to connect the brigades or protect the exterior flanks.

After a grand guard is posted, the first care of the commander and of the field officer of the day is to get news of the enemy; then to reconnoitre his position, and the roads, bridges, fords, and defiles. This reconnoissance determines the force and position of the small posts and their sentinels day and night. These posts, according to their importance, are commanded by officers or non-commissioned officers; the cavalry posts may be relieved every four or eight hours.

The commander of a grand guard receives detailed instructions from the General and field officer of the day of the brigade, and instructs the commanders of the small posts as to their duties and the arrangements for defence or retreat. The commanders of grand guards may, in urgent cases, change the positions of the small posts. If the small posts are to change their positions at night, they wait until the grand guard have got into position and darkness hides their movements from the enemy; then march silently and rapidly under the charge of an officer.

In detached corps, small posts of picked men are at night sent forward on the roads by which the enemy may attack or turn the position. They watch the forks of the roads, keep silence, conceal themselves, light no fires, and often change place. They announce the approach of the enemy by signals agreed upon, and retreat, by routes examined during the day, to places selected, and rejoin the guard at daybreak.

Grand guards have special orders in each case, and the following in all cases: to inform the nearest posts and the field officer of the day, or the General of Brigade, of the march and movements of the enemy, and of the attacks they receive or fear; to examine every person passing near the post, particularly those coming from without; to arrest suspicious persons, and all soldiers and camp-followers who try to pass out without

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permission, and to send to the General, unless otherwise directed, all country people who come in.

All out-guards stand to arms at night on the approach of patrols, rounds, or other parties; the sentinel over the arms has orders to call them out.

Advanced posts will not take arms for inspection or ceremony when it would expose them to the view of the enemy.

Grand guards are often charged with the care and working of tele graphic signals.

The sentinels and vedettes are placed on points from which they can see furthest, taking care not to break their connexion with each other or with their posts. They are concealed from the enemy as much as possible by walls, or trees, or elevated ground. It is generally even of more advantage not to be seen than to see far. They should not be placed near covers, where the enemy may capture them.

A sentinel should always be ready to fire; vedettes carry their pistols or carbines in their hands. A sentinel must be sure of the presence of an enemy before he fires; once satisfied of that, he must fire, though all defence on his part be useless, as the safety of the post may depend on it. Sentinels fire on all persons deserting to the enemy.

If the post must be where a sentinel on it cannot communicate with the guard, a corporal and three men are detached for it, or the sentinels are doubled, that one may communicate with the guard. During the day the communication may be made by signals, such as raising a cap or handkerchief. At night sentinels are placed on low ground, the better to see objects against the sky.

To lesson the duty of rounds, and keep more men on the alert at night, sentinels are relieved every hour. To prevent sentinels from being surprised, it is sometimes well to precede the countersign by signals, such as striking the musket with the hand, striking the hands together, &c.

On the approach of any one at night, the sentinel orders—"*Halt!*" If the order is not obeyed after once repeated, he fires. If obeyed, he calls—"*Who goes there?*" If answered—"*Rounds*" or "*Patrol*," he says—"*Stand: Advance one with the countersign.*" If more than one advance at the same time, or the person who advances fails to give the countersign or signal agreed on, the sentinel fires, and falls back on his guard. The sentinel over the arms, as soon as his hail is answered,

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turns out the guard, and the corporal goes to reconnoitre. When it is desirable to hide the position of the sentinel from the enemy, the hail is replaced by signals; the sentinel gives the signal, and those approaching the counter signal.

With raw troops, or when the light troops of the enemy are numerous or active, and when the country is broken or wooded, the night stormy or dark, sentinels should be doubled. In this case, while one watches, the other, called a flying sentinel, moves about, examining the paths and hollows.

The commandants of grand guards visit the sentinels often; change their positions when necessary; make them repeat their orders; teach them under what circumstances and at what signals to retire, and particularly not to fall back directly on their guard if pursued, but to lead the enemy in a circuit.

At night, half the men of the grand guard off post watch under arms, while the rest lie down, arms by their side. The horses are always bridled; the horsemen hold the reins and must not sleep.

When a grand guard of cavalry is so placed as not to be liable to a sudden attack from the enemy, the General may permit the horses to be fed during the night, unbridling for this purpose a few at a time—the horsemen being vigilant to prevent them from escaping.

An hour before break of day, infantry grand guards stand to arms, and cavalry mount. At the advanced posts, some of the infantry are all night under arms, some of the cavalry on horseback.

The commander of a grand guard regulates the numbers, the hours, and the march of patrols and rounds, according to the strength of his troop and the necessity for precaution; and, accompanied by those who are to command the patrols and rounds during the night, he will reconnoitre all the routes they are to follow.

Patrols and rounds march slowly, in silence, and with great precaution; halt frequently to listen and examine the ground. The rounds consist of an officer or non-commissioned officer, and two or three men.

Toward break of day the patrols ought to be more frequent, and sent to greater distances. They examine the hollow ways and ground likely to conceal an enemy, but with great caution, to avoid being cut off, or engaged in an unequal combat; if they meet the enemy, they fire and attempt to stop his march. While the patrols are out, the posts are under arms.

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Cavalry patrols should examine the country to a greater distance than infantry, and report to the infantry guard everything they observe. The morning patrols and scouts do not return until broad daylight; and when they return, the night sentinels are withdrawn, and the posts for the day resumed.

When patrols are sent beyond the advanced posts, the posts and sentinels should be warned.

On their return, commanders of patrols report in regard to the ground and everything they have observed of the movements of the enemy, or of his posts, and the commandant of the grand guard reports to the field officer of the day.

The fires of grand guards should be hidden by a wall, or ditch, or other screen. To deceive the enemy, fires are sometimes made on ground not occupied. Fires are not permitted at small posts liable to surprise.

The horses of cavalry guards are watered or fed by detachments; during which the rest are ready to mount.

If a body of troops attempt to enter the camp at night, unless their arrival has been announced, or the commander is known to, or is the bearer of a written order to the commander of the grand guard, he stops them, and sends the commander under escort to the field officer of the day, and warns the posts near him.

Bearers of flags are not permitted to pass the outer chain of sentinels; their faces are turned from the post or army; if necessary, their eyes are bandaged; a non-commissioned officer stays with them to prevent indiscretion of the sentinels.

The commandant of the grand guard receipts for despatches, and sends them to the field officer of the day or General of Brigade, and dismisses the bearer; but if he has discovered what ought to be concealed from the enemy, he is detained as long as necessary.

Deserters are disarmed at the advanced posts, and sent to the commander of the grand guard, who gets from them all the information he can concerning his post. If many come at night, they are received *cautiously, a few at a time.* They are sent in the morning to the field officer of the day, or to the nearest post or camp, to be conducted to the General of the brigade. All suspected persons are searched by the commanders of the posts.

When an enemy advances to attack, unless he is in too great force, or

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the grand guard is to defend an intrenched post or a defile, it will take the positions and execute the movements to check the enemy, acting as skirmishers, or fighting in close or open order, as may be best. The guard joins its corps when in line, or when a sufficient number of troops have reached the ground it defends.

INTRENCHED POSTS.

Unless the army be acting on the defensive, no post should be intrenched except to cover the weak parts of the line, or at points which the enemy cannot avoid, or in mountain warfare, or to close a defile, or cover winter quarters.

Posts connected with the operations of an army are intrenched only by order of the General commanding-in-chief or a General of Division.

Any intrenchment that requires artillery is considered as a post, and a guard or garrison and commander are assigned to it.

The General who establishes an intrenched post gives to its commander detailed instructions in regard to its defence, and the circumstances under which the defence should cease.

The commander reconnoitres his post; distributes the troops; posts the officers and non-commissioned officers; forms a reserve; gives orders for all contingencies he can foresee; supposes an attack, and arranges his troops for defence, so as to prepare them for attack, day or night.

In dark weather he redoubles his vigilance, and changes the hours and direction of the rounds and patrols. He permits no flags of truce, deserters, or strangers to enter. If a flag ought to pass his post, he bandages his eyes. He refuses admittance to a relief or any other party until he has carefully examined them. In case of an attack, he does not wait for orders or hold a council. Having defended his post to the last extremity, or till the purpose of the defence, according to his instructions, is answered, he may then spike his guns and rejoin the army under cover of night, or by cutting his way through the enemy.

DETACHMENTS.

When a detachment is to be formed from the different regiments of a brigade, the Assistant Adjutant General of the brigade assembles it, and turns it over to the commander.

When a detachment is to be formed from different brigades, the Assistant Adjutant General in each forms the contingent of the brigade, and sends it to the place of assembling.

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Detachments are generally formed by taking battalions, squadrons, companies, platoons in turn, according to the roster for such detail.

When the detachment is to consist of men from every company or troop, the first on the roster for guard are taken.

Officers, non-commissioned officers, and soldiers, whose tour it is to go on detachment, if employed otherwise at the time, are relieved from the duty they are on, if they can reach camp in time to march with the detachment.

When detachments meet, the command is regulated while they serve together as if they formed one detachment; but the senior officer cannot prevent the commander of any detachment from moving, when he thinks proper, to execute the orders he has received.

On the return of a detachment, the commander reports to the headquarters from which he received his orders.

RECONNOISSANCES.

Near an enemy daily reconnoissances are made to observe the ground in front, and to discover whether the advanced guards of the enemy have been increased or put in motion, or any other sign of his preparation for march or action.

They are made by small parties of cavalry and infantry, from the brigade, under direction of the General of Division or the General of a separate brigade, and to less distance by the patrols of the grand guard, and are not repeated at the same hour or by the same route. On the plain, reconnoissances are made by cavalry; among mountains, by infantry, with a few horsemen to carry intelligence.

Reconnoitring parties observe the following precautions: to leave small posts, or sentinels at intervals, to transmit intelligence to the advanced posts of the army, unless the return is to be by a different route; to march with caution, to avoid fighting; and see, if possible, without being seen; to keep an advanced guard; to send well-mounted men ahead of the advanced guard, and on the flank of the party; to instruct the scouts that no two should enter a defile or mount a hill together, but to go one at a time, while one watches to carry the news if the other is taken.

Before daybreak the advanced guard and scouts are drawn closer; the party then march slowly and silently, stop frequently to listen, and keep the horses that neigh in the rear. The party should enter no wood, defile, village, or inclosure, until it has been fully examined by the scouts.

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Special reconnoissances are made under the instruction of the General in command, by such officers and with such force as he may direct.

Offensive or forced reconnoissances are to ascertain with certainty points in the enemy's position or his strength. They are sometimes preludes to real actions, and sometimes only demonstrations. They drive in his outposts, and sometimes engage special corps of his line. They are only made by the order of the General commanding-in-chief, or the commander of an isolated corps.

In all reports of reconnoissances, the officer making them shall distinguish expressly what he has seen from the accounts he has not been able to verify personally.

In special and offensive reconnoissances, the report must be accompanied by a field sketch of the localities, the dispositions and defences of the enemy.

PARTISANS AND FLANKERS.

The operations of partisan corps depend on the nature and theatre of the war; they enter into the general plan of operations, and are conducted under the orders of the General commanding-in-chief.

The composition and strength of partisan corps and detachments of flankers depend on the object, the difficulties, the distance, and the probable time of the expedition.

The purpose of these isolated corps is to reconnoitre at a distance on the flanks of the army, to protect its operations, to deceive the enemy, to interrupt his communications, to intercept his couriers and his correspondence, to threaten or destroy his magazines, to carry off his posts and his convoys, or, at all events, to retard his march by making him detach largely for their protection.

While these corps fatigue the enemy and embarrass his operations, they endeavor to inspire confidence and secure the good will of the inhabitants in a friendly country, and to hold them in check in an enemy's country.

They move actively, appear unexpectedly on different points in such a manner as to make it impossible to estimate their force, or to tell whether they are irregular forces or an advanced guard.

These operations require vigilance, secrecy, energy, and promptness. The partisan commander must frequently supply by strategem and audacity what he wants in numbers.

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These detachments are sometimes composed of different arms, but the service belongs more particularly to the light cavalry, which can move to a distance by rapid marches, surprise the enemy, attack unexpectedly, and retire as promptly.

Stormy weather, fogs, extreme heat, and the night above all, are favorable to the success of ambuscades; when the enemy are careless, the break of day is the best time. A partisan commander should communicate to his second in command his secret orders, the direction and object of the expedition, and the different points of junction with the army.

Guides of the country and spies are often necessary to the partisan. They are examined separately, and confronted if their accounts differ. When there is but one guide, he marches with the advanced guard, guarded by two men, and bound if necessary. Peddlers and smugglers are specially suitable for spies.

A fit time to attack a convoy is at a halt, or when they begin to park, or when they are watering, or passing a wood or a defile; at a bend of the road, a bridge, or steep ascent.

The attacking party may be principally cavalry, with some infantry. The first object is to disperse the escort. A part of the detachment attacks the main body of the escort, another the wagons, and a third is in reserve; skirmishers line the road, and try to cut the traces, and to seize the front and rear wagons, and turn them across the road, to prevent the train from advancing or retreating.

If the convoy is parked, the cavalry surrounds it, assails the escort, and tries to draw it away from the train. The infantry then engage the troops remaining at the park, slip under the wagons, and get into the park. When the cavalry is alone and the enemy are shaken, they dismount a portion of the men to supply the want of infantry.

If it is a large convoy, the principal attack is made on the centre; the most valuable wagons are also selected, and additional horses are put to them if the attack is successful. Those that cannot be carried off are burned.

MARCHES.

The object of the movement and the nature of the ground determine the order of march, the kind of troops in each column, and the number of columns.

The force is divided into as many columns as circumstances permit,

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without weakening any one too much. They ought to preserve their communications, and be within supporting distance of each other. The commander of each column ought to know the strength and direction of the others.

The advance and rear guards are usually light troops; their strength and composition depend on the nature of the ground and the position of the enemy. They serve to cover the movements of the army, and to hold the enemy in check until the General has time to make his arrangements.

The advance guard is not always at the head of the column; in a march to a flank, it takes such positions as cover the movement. Sappers are attached to the advanced guard if required.

The "*general*," sounded one hour before the time of marching, is the signal to strike tents, to load the wagons, and pack horses, and send them to the place of assembling. The fires are then put out, and care taken to avoid burning straw, &c., or giving to the enemy any other indication of the movement.

The "march" will be beat in the infantry, and the "advance" sounded in the cavalry, in succession, as each is to take its place in the column.

When the army should form suddenly to meet the enemy the "*long roll*" is beat, and "*to horse*" sounded. The troops form rapidly in front of their camp.

Batteries of artillery and their caissons move with the corps to which they are attached; the field train and ambulances march at the rear of the column; and the baggage with the rear guard.

Cavalry and infantry do not march together, unless the proximity of the enemy makes it necessary.

In cavalry marches, when distant from the enemy, each regiment, and, if possible, each squadron, forms a separate column, in order to keep up the same gait from front to rear, and to trot, when desirable, on good ground. In such cases the cavalry may leave camp later, and can give more rest to the horses and more attention to the shoeing and harness Horses are not bridled until the time to start.

When necessary, the orders specify the rations the men are to carry in their haversacks. The field officers and Captains make inspections frequently during the march; at halts they examine the knapsacks, valises, and haversacks, and throw away all articles not authorized. The officers

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and non-commissioned officers of cavalry companies attend personally to the packs and girths.

When it can be avoided, troops should not be assembled on high-roads or other places where they interrupt the communication.

Generals of Division and commanders of detached corps send a staff officer to the rendezvous, in advance, to receive the troops, who, on arriving, take their place in the order of battle, and form in close column, unless otherwise ordered. Artillery, or trains halted on the roads, form in file on one side.

The execution of marching orders must not be delayed. If the commander is not at the head of his troops when they are to march the next in rank puts the column in motion.

If possible, each column is preceded by a detachment of sappers, to remove obstacles to the march, aided, when necessary, by infantry, or the people of the country. The detachment is divided into two sections: one stops to remove the first obstacle, the other moves on to the next.

In night marches, and at bad places, and at crossroads, when necessary, intelligent non-commissioned officers are posted to show the way, and are relieved by the regiments as they come up.

On the march no one shall fire a gun, or cry "*halt*" or "*march*" without orders.

Soldiers are not to stop for water; the canteens should be filled before starting.

It is better to avoid villages; but, if the route lies through them, officers and non-commissioned officers are to be vigilant to prevent straggling. Halts should not take place at villages.

Besides the rear guard, the General sometimes takes a detachment from the last regiment, and adds to it non-commissioned officers from each regiment, to examine villages and all hiding places on the route, to bring up stragglers and seize marauders.

In night marches the Sergeant Major of each regiment remains at the rear with a drummer, to give notice when darkness or difficulty stops the march. In cavalry a trumpet is placed in rear of each squadron, and the signal repeated to the head of the regiment.

The General and field officers frequently stop, or send officers to the rear, to see that the troops march in the prescribed order, and keep their distances. To quicken the march the General warns the Colonels, and may order a signal to be beat. It is repeated in all the regiments.

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In approaching a defile the Colonels are warned; they close their regiments as they come up; each regiment passes separately, at an accelerated pace, and in as close order as possible. The leading regiment having passed, and left room enough for the whole column in close order, then halts, and moves again as soon as the last regiment is through. In the cavalry each squadron, before quickening the pace to rejoin the column, takes its original order of march.

When the distance from the enemy permits, each regiment, after closing up in front and rear of the defile, stacks arms.

Halts to rest and reform the troops are frequent during the day, depending on the object and length of the march. They are made in preference after the passage of defiles.

No honors are paid by troops on the march or at halts.

The sick march with the wagons.

Led horses of officers, and the horses of dismounted men, follow their regiment. The baggage wagons never march in the column. When the General orders the field train and ambulances to take place in the column he designates the position they shall take.

If two corps meet on the same road they pass to the right, and both continue their march, if the road is wide enough; if it is not, the first in the order of battle takes the road, the other halts.

A corps in march must not be cut by another. If two corps meet at crossroads, that which arrives last halts if the other is in motion. A corps in march passes a corps at a halt, if it has precedence in the order of battle, or if the halted corps is not ready to move at once.

A column that halts to let another column pass resumes the march in advance of the train of this column. If a column has to pass a train, the train must halt, if necessary, till the column passes. The column which has precedence must yield it if the commander, on seeing the orders of the other, finds it for the interest of the service.

JOURNAL.

Commanding officers of troops marching through a country little known, will keep journals of their marches according to the form and directions hereto annexed. At the end of the march a copy of the journal will be retained at the station where the troops arrive, and the original will be forwarded to the headquarters of the Department or *corps d'armée*. Thence, after a copy has been taken, it will be transmitted,

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through the headquarters of the army, to the Adjutant General, for the information of the War Department.

The object of the journal is to furnish data for maps, and information which may serve for future operations. Every point of practical importance should therefore be noted, even though not indicated in these directions.

DIRECTIONS FOR KEEPING THE JOURNAL.

The journal should be kept in a pocket note-book; or, if one cannot be obtained, in a book made of sheets of paper folded to half the letter size.

The record is to run from the bottom to the top of each page.

The horizontal divisions in the column headed "*Route*" represent portions of a day's march. The distance, in miles, between each of the horizontal divisions, will be noted in the column headed "*Distance*," which will be summed up at the top of each column, and the sum carried to the bottom of the next column.

The notes within each horizontal division are to show the general direction of the march, and every object of interest observed in its course. All remarkable features of the country, therefore, such as hills, streams, fords, springs, houses, villages, forests, marshes, &c., and the places of encampment, will be sketched in their relative positions, as well as noted by name.

The "*Remarks*" corresponding to each division will be upon the soil, productions, quantity and quality of timber, grass, water, fords, nature of the roads, &c., and important incidents. They should show where provisions, forage, fuel, and water can be obtained; whether the streams to be crossed are fordable, miry, have quicksands or steep banks, and whether they overflow their banks in wet seasons; also the quality of the water; and, in brief, everything of practical importance.

When a detachment leaves the main column, the point on the "*Route*" will be noted, and the reason given in the *Remarks*. The commander of the detachment will be furnished with a copy of the journal up to that point, and will continue it over his new line of march.

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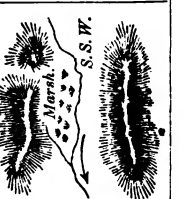
FORM OF

Journal of the march of [here insert the names of the regiments or com-
insert the point of departure] *to* [the stopping place,] *pursuant*

Date.	Hour.	Weather.	Distance.	Route.
1860.			Total, 19.	
			3	
July 8.	5 a. m.			
	1 p. m.		8	*High timbered Peak.*
	10.	Cloudy. Cold early in morning.	3	
	6.30.	Cloudy, with wind.	1	
	6.		4	
July 7.	4.30.			

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JOURNAL.

panies composing the column,] *commanded by* —— ——, *from* [here *to* [here give the number and date of order for the march.]

Remarks.
Road rocky; but little grass; good water. Plenty of timber on summit of hills, extending three miles; road to right of hills.
Good shelter for camp at foot of peak; fuel plenty. Springs of sweet water with good grass near. Road to this point rather more sandy.
Road runs through a cañon ¼ mile long, to right of a small stream; marsh on left of stream; water sweet; grass excellent. Halted to graze two hours. No Indian signs.
Companies F, G, and I, 3d ——, detached at Mount P——, under command of —— —— (see par. 3, General Orders No. ——,) to take road to ——. A small creek, easily forded.
Road turns short to right at top of hill after crossing river; crossing good, but a little boggy on the right bank. This bottom shows signs of recent overflow, when it must have been impassable; banks low; water sweet; no wood near crossing; road hard and good up to river.

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JOURNAL—

Date.	Hour.	Weather.	Distance.	Route.
1860.			Total, 47.	
			5	
July 9.	4. 30 a. m.	Rain.		*Fork in road.*
	4. 30 p. m.		3	*Camp N*
	3 p. m.	Very pleasant; cloudy in the p. m.	15	*Grave.*
	9.		5	
July 8.	6. 30 a. m.			
			19	

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Continued.

Remarks.
At the point where the road forks, turn to the right. The left-hand road leads to a deep ravine, which cannot be crossed.
After the road strikes the ravine, it runs one mile along its banks before coming to the crossing place. The camping ground is at springs, half a mile beyond the ravine. Old Indian signs at the springs.
Road less rocky; last three miles rather sandy; no water. Passed at the point marked† an Indian grave.
Road still rocky; good springs, where casks should be filled. No more water for twenty miles after leaving springs. Occasional hills to left of road; no wood or grass.

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POSTS.

Whenever a new post is established, or a camp, meant to be occupied for some time, the commanding officer will forward to the Adjutant-General's office, as well as to the headquarters of the department, or *corps d'armée* if in the field, an accurate description of its locality, of its distance and bearings from the nearest known point, and the manner of reaching it by mail, together with a sketch of the country in its immediate vicinity.

Military posts will be named by the Secretary of War.

BATTLES.

Dispositions for battle depend on the number, kind, and quality of the troops opposed, on the ground, and on the objects of the war; but the following rules are to be observed generally:

In attacking, the advanced guard endeavors to capture the enemy's outposts, or cut them off from the main body. Having done so, or driven them in, it occupies, in advancing, all the points that can cover or facilitate the march of the army, or secure its retreat, such as bridges, defiles, woods, and heights; it then makes attacks, to occupy the enemy, without risking too much, and to deceive them as to the march and projects of the army.

When the enemy is hidden by a curtain of advanced troops, the commandant of the advanced guard sends scouts, under intelligent officers, to the right and left, to ascertain his position and movements. If he does not succeed in this way, he tries to unmask the enemy by demonstrations; threatens to cut the advance from the main body; makes false attacks; partial and impetuous charges in echelon; and if all fail, he makes a real attack to accomplish the object.

Detachments left by the advanced guard to hold points in the rear rejoin it when other troops come up. If the army takes a position, and the advanced guard is separated from it by defiles or heights, the communication is secured by troops drawn from the main body.

At proper distance from the enemy, the troops are formed for the attack in several lines; if only two can be formed, some battalions in column are placed behind the wings of the second line. The lines may be formed of troops in column or in order of battle, according to the ground and plan of attack.

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The advanced guard may be put in the line or on the wings, or other position, to aid the pursuit or cover the retreat.

The reserve is formed of the best troops of foot and horse, to complete a victory or make good a retreat. It is placed in the rear of the centre, or chief point of attack or defence.

The cavalry should be distributed in echelon on the wings and at the centre, on favorable ground.

It should be instructed not to take the gallop until within charging distance; never to receive a charge at a halt, but to meet it, or, if not strong enough, to retire manœuvring; and in order to be ready for the pursuit, and prepared against a reverse, or the attacks of the reserve, not to engage all its squadrons at once, but to reserve one-third, in column or in echelon, abreast of or in the rear of one of the wings; this arrangement is better than a second line with intervals.

In the attack, the artillery is employed to silence the batteries that protect the position. In the defence, it is better to direct its fire on the advancing troops. In either case, as many pieces are united as possible, the fire of artillery being formidable in proportion to its concentration.

In battles and military operations it is better to assume the offensive, and put the enemy on the defensive; but to be safe in doing so requires a larger force than the enemy, or better troops, and favorable ground. When obliged to act on the defensive, the advantage of position and of making the attack may sometimes be secured by forming in rear of the ground on which we are to fight, and advancing at the moment of action. In mountain warfare, the assailant has always the disadvantage; and even in offensive warfare in the open field, it may frequently be very important, when the artillery is well posted, and any advantage of ground may be secured, to await the enemy and compel him to attack.

The attack should be made with a superior force on the decisive point of the enemy's position, by masking this by false attacks and demonstrations on other points, and by concealing the troops intended for it by the ground, or by other troops in their front.

Besides the arrangements which depend on the supposed plan of the enemy, the wings must be protected by the ground, or supported by troops in echelon; if the attack of the enemy is repulsed, the offensive must at once be taken, to inspire the troops, to disconcert the enemy,

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and often to decide the action. In thus taking the offensive, a close column should be pushed rapidly on the wing or flank of the enemy. The divisions of this column form in line of battle successively, and each division moves to the front as soon as formed, in order, by a rapid attack in echelon, to prevent the enemy from changing front or bringing up his reserves. In all arrangements, especially in those for attack, it is most important to conceal the design until the moment of execution, and then to execute it with the greatest rapidity. The night, therefore, is preferred for the movement of troops on the flank or rear of the enemy, otherwise it is necessary to mask their march by a grand movement in front, or by taking a wide circuit.

In making an attack, the communications to the rear and for retreat must be secured, and the General must give beforehand all necessary orders to provide for that event.

When a success is gained, the light troops should pursue the enemy promptly and rapidly. The other troops will restore order in their columns, then advance from position to position, always prepared for an attack or to support the troops engaged.

Before the action, the Generals indicate the places where they will be; if they change position, they give notice of it, or leave a staff officer to show where they have gone.

During the fight the officers and non-commissioned officers keep the men in the ranks, and enforce obedience if necessary. Soldiers must not be permitted to leave the ranks to strip or rob the dead, nor even to assist the wounded unless by express permission, which is only to be given after the action is decided. The highest interest and most pressing duty is to win the victory, by winning which only can a proper care of the wounded be insured.

Before the action, the Quartermaster of the division makes all the necessary arrangements for the transportation of the wounded. He establishes the ambulance depots in the rear, and gives his assistants the necessary instructions for the service of the ambulance wagons and other means of removing the wounded.

The ambulance depot, to which the wounded are carried or directed for immediate treatment, is generally established at the most convenient building nearest the field of battle. A *red flag* marks its place, or the way to it, to the conductors of the ambulances and to the wounded who can walk.

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The active ambulances follow the troops engaged to succor the wounded and remove them to the depots; for this purpose the conductors should always have the necessary assistants, that the soldiers may have no excuse to leave the ranks for that object.

The medical director of the division, after consultation with the Quartermaster General, distributes the medical officers and hospital attendants at his disposal, to the depots and active ambulances. He will send officers and attendants, when practicable, to the active ambulances, to relieve the wounded who require treatment before being removed from the ground. He will see that the depots and ambulances are provided with the necessary apparatus, medicines, and stores. He will take post and render his professional services at the principal depot.

If the enemy endanger the depot, the Quartermaster takes the orders of the General to remove it or to strengthen its guard.

The wounded in the depots and the sick are removed, as soon as possible, to the hospitals that have been established by the Quartermaster General of the army on the flanks or rear of the army.

After an action, the officers of ordnance collect the munitions of war left on the field, and make a return of them to the General. The Quar master's Department collects the rest of the public property captured, and makes the returns to headquarters.

Written reports for the General commanding-in-chief are made by commandants of regiments, batteries, and separate squadrons, and by all commanders of a higher grade, each in what concerns his own command, and to his immediate commander.

When an officer or soldier deserves mention for conduct in action, a special report shall be made in his case, and the General commanding-in-cheif decides whether to mention him in his report to the government and in his orders. But he shall not be mentioned in the report until he has been mentioned in the orders to the army. These special reports are examined with care by the intermediate commanders, to verify the facts, and secure commendation and rewards to the meritorious only.

The report of battles, which must frequently be made before these special reports of persons are scrutinized, is confined to general praise or blame, and on account of the operations.

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PRISONERS OF WAR.

Prisoners of war will be disarmed and sent to the rear, and reported, as soon as practicable, to the headquarters. The return of prisoners from the headquarters of the army to the War Department will specify the number, rank, and corps.

The private property of prisoners will be duly respested, and each shall be treated with the regard due to his rank. They are to obey the necessary orders given them. They receive for subsistence one ration each, without regard to rank; and the wounded are to be treated with the same care as the wounded of the army. Other allowances to them will depend on conventions with the enemy. Prisoners' horses will be taken for the army.

Exchanges of prisoners and release of officers on parole depend on the orders of the General commanding-in-chief, under the instructions of government.

CONVOYS AND THEIR ESCORTS.

The strength and composition of the escort of a convoy depend on the country, the nature and value of the convoy, and the dangers it may incur. A larger escort is required for a convoy of powder, that the defence may not be near the train.

Cavalry is employed in escorts chiefly to reconnoitre; the proportion is larger as the country is more open.

Pioneers or working parties are attached to convoys to mend roads, remove obstacles, and erect defences. The convoys should always be provided with spare wheels, poles, axles, &c.

The commandant of the escort should receive detailed instructions in writing.

As far as the defence permits, the commander of the escort shall refer to the officer in charge of the convoy for the hours of departure, the halts, the parking and order of the train, and the precautions against accidents.

Officers who accompany the convoy, but do not belong to the escort, shall exercise no authority in it except by consent of the commander. If these officers are junior to the commander, he may assign them to duty if the defence requires it.

Large convoys are formed into divisions, each with a conductor. The

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distance between the wagons is four paces. A small party of infantry is attached to each division.

Generally munitions of war are at the head of the convoy, subsistence next, and then other military stores; the sutler last. But always that part of the convoy which is most important to the army shall be where it is most secure from danger.

The commandant should send out reconnoitring parties, and never put the convoy in motion until their reports have been received. He always forms an advance and rear guard, and keeps the main body under his immediate order at the most important point, with small guards or posts at other points.

In an open country the main body marches by the side of the road, opposite the centre of the convoy; in other cases at the head or rear of the column, as the one or the other is more exposed.

The advance guard precedes the convoy far enough to remove all obstacles to its advance. It examines the woods, defiles, and villages, and by mounted men gives information to the commander, and receives his orders. It reconnoitres places for halts and parks.

If the head of the column is threatened, the advanced guard seizes the defiles and places which the enemy might occupy, and holds them until the main body advances to the front and relieves it; the main body holds the positions until the head of the convoy arrives, and then leaves detachments which are relieved by the parties marching with the divisions; the posts are not abandoned until the whole convoy has passed, and the position is no longer important.

When the rear is threatened, like measures are taken; the rear guard defends the ground and retards the enemy by breaking the bridges and blocking the road.

If the flanks are threatened, and the ground is broken, and many defiles are to be passed, the defence of the convoy becomes more difficult; the advance and rear guards must be reduced, the flanks strengthened, and positions which will cover the march of the convoy must be occupied by the main body of the troops before the head of the convoy reaches them, and until it has passed.

If the convoy is large, and has to pass places that the force and position of the enemy make dangerous, the loss of the whole convoy must not be risked; it must pass by divisions, which reunite after the passage. In this case the greater part of the troops guard the first division; they

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seize the important points, and cover them with light troops, or, if necessary, with small posts, and hold them until all the divisions have passed.

If there is artillery in the convoy, the commander of the escort uses it for the defence.

To move faster and make the defence easier, the wagons move in double file whenever the road allows it. If a wagon breaks, it is at once removed from the road; when repaired, it takes the rear; when it cannot be repaired, its load and horses are distributed to some of the other wagons kept in the rear for that purpose.

Convoys by water are escorted on the same principles. Each boat has a small infantry guard; one portion of the escort precedes or follows the convoy in boats. The cavalry march opposite the convoy; the advance and rear guard move by land, and all are connected by flankers with the convoy. Where a river runs through a narrow valley, the body of the infantry moves by land to prevent the enemy from occupying the heights and disturbing the convoy.

Convoys halt every hour to let the horses take breath and the wagons close up. Long halts are made but seldom, and only in places that have been reconnoitred and found favorable for defence. At night the park is arranged for defence, and in preference at a distance from inhabited places, if in an enemy's country.

The wagons are usually parked in ranks, axle against axle, the poles in the same direction, and with sufficient space between the ranks for the horses. If an attack is feared, they are parked in square, the hind wheels outside and the horses inside.

On the appearance of the enemy during the march, the commander closes up the wagons and continues his march in order; he avoids fighting; but if the enemy seizes a position that commands his road, he attacks vigorously with the mass of his force, but is not to continue the pursuit far from the convoy. The convoy halts, and resumes the march when the position is carried.

When the enemy is too strong to be attacked, the convoy is parked in square if there is room; if not, closed up in double file; at the front and rear the road is blocked by wagons across it. The drivers are dismounted at the heads of the horses. They are not permitted to make their escape. The light troops keep the enemy at a distance as long as possible, and are supported when necessary, but prudently, as the troops must be kept in hand to resist the main attack.

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If a wagon takes fire in the park, remove it if possible; if not, remove, first, the ammunition wagons, then those to leeward of the fire.

When a whole convoy cannot be saved, the most valuable part may sometimes be by abandoning the rest. If all efforts fail, and there is no hope of succor, the convoy must be set on fire, and the horses killed that cannot be saved; the escort may then cut its way through.

If the convoy is of prisoners of war, every effort should be made to reach a village or strong building where they may be confined; if forced to fight in the field, the prisoners must be secured and made to lie down until the action is over.

BAGGAGE TRAINS.

The baggage train of general headquarters and the trains of the several divisions are each under the charge of an officer of the Quartermaster's Department. These officers command and conduct the trains under the orders they receive from their respective headquarters. When the trains of different divisions march together, or the train of a division marches with the train of general headquarters, the senior Quartermaster directs the whole.

The Regimental Quartermaster has charge of the wagons, horses, equipments, and all means of transport employed in the service of the regiment. Under the orders of the Colonel, he assembles them for the march, and maintains the order and police of the train in park and on the march. On marches, the regimental trains are under the orders of the Quartermaster of the division. When the march is by brigade, the senior Regimental Quartermaster in the brigade, or the Quartermaster of the brigade, has the direction of the whole. The necessary wagon-masters, or non-commissioned officers to act as such, are employed with the several trains.

None but the authorized wagons are allowed to march with the train. The wagons of the several headquarters, the regimental wagons, and the wagons of sutlers, authorized by orders from headquarters to march with the train, are all to be conspicuously marked.

When the train of headquarters is to have a guard, the strength of the guard is regulated by the General. Generals of Brigade guard their trains by the men attached to the train of the first regiment of their brigades. The regimental trains are loaded, unloaded, and guarded, as far as practicable, by convalescents and men not effective in the ranks;

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in the cavalry, by dismounted men. When the guard of a train is the escort for its defence, the regulations in regard to convoys and escorts take effect.

Habitually each division is followed by its train, the regimental trains uniting at the brigade rendezvous. When otherwise, the order for the movement of the divisions, brigades, and regiments contains the necessary directions in regard to the assembling and marching of the respective trains. The several trains march in an order analogous to the rank of the generals, and the order of battle of the troops to which they belong. Trains are not allowed in any case to be in the midst of the troops, or to impede the march of the troops.

The wagon-masters, under the orders of the officers of the Quartermaster's Department, exercise the necessary restraints over the teamsters and servants who leave their teams, or do not properly conduct them; or who ill treat their horses, or who attempt to pillage or run away in case of attack.

The General commanding the army and the Generals of Division will not permit any general or staff officer, or regiment under their orders, or any person whatsoever, attached to their command, to have more than the authorized amount or means of transportation. For this purpose they will themselves make, and cause to be made, frequent reviews and inspections of the trains. They will see that no trooper is employed to lead a private horse, no soldier to drive a private vehicle, and that no trooper is put on foot to lend his horse to an officer. They will not permit the wagons of the artillery or of the train to be loaded with anything foreign to their proper service, nor any public horse, for any occasion, to be harnessed to a private carriage.

The officers of the Quartermaster's Department, the wagon-masters, and all conductors of trains, are charged with watching that the regulations respecting transportation allowances are strictly observed.

GENERAL POLICE.

When necessary, the General-in-chief or General of Division may appoint a provost marshal to take charge of prisoners, with a suitable guard, or other police force.

Private servants, not soldiers, will not be allowed to wear the uniform of any corps of the army, but each will be required to carry with him a certificate from the officer who employs him, verified, for regimental

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officers, by the signature of the Colonel; for other officers under the rank of Colonel, by the chief of their corps or department.

Laundresses permitted to follow the army will be furnished with certificates, signed as in the preceding paragraph, and no woman of bad character will be allowed to follow the army. Other persons with the army, not officers or soldiers, such as guides of the country, interpreters, &c., will carry about them similar certificates from the headquarters that employs them.

Deserters from the enemy, after being examined, will be secured for for some days, as they may be spies in disguise; as opportunities offer, they will be sent to the rear; after which, if they are found lurking about the army, or attempting to return to the enemy, they will be treated with severity.

The arms and accoutrements of deserters will be turned over to the Ordnance Department, and their horses to the corps in want of them, after being branded with the letters "U. S." The compensation to be accorded to deserters, for such objects, will be according to appraisement, made under the direction of the Quartermaster's Department. The enlistment of deserters, without express permission from general headquarters, is prohibited.

It is forbidden to purchase horses without ascertaining the right of the party to sell. Stolen horses shall be restored. Estrays, in the enemy's country, when the owner is not discovered, are taken for the army.

Plundering and maruading, at all times disgraceful to soldiers, when committed on the persons or property of those whom it is the duty of the army to protect, become crimes of such enormity as to admit of no remission of the awful punishment which the military law awards against offences of this nature.

SAFEGUARDS.

Safeguards are protections granted to persons or property in foreign parts by the commanding general or by other commanders within the limits of their command.

Safeguards are usually given to protect hospitals, public establishments, establishments of religion, charity, or instruction, museums, depositories of the arts, mills, post offices, and other institutions of public benefit; also to individuals whom it may be the interest of the army to respect.

A safeguard may consist of one or more men of fidelity and firmness,

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generally non-effective non-commissioned officers, furnished with a paper setting out clearly the protection and exemptions it is intended to secure, signed by the commander giving it and his staff officer; or it may consist of such paper, delivered to the party whose person, family, house, and property it is designed to protect. These safeguards must be numbered and registered.

The men left as safeguards by one corps may be replaced by another. They are withdrawn when the country is evacuated; but if not, they have orders to await the arrival of the enemy's troops, and apply to the commander for a safe conduct to the outposts.

Form of a safeguard:

By authority of ——— ———,

A safeguard is hereby granted to [A. B———, or the house and family of A. B———, or to the college, mills, or property; stating precisely the place, nature, and description of the person, property, or buildings] All officers and soldiers belonging to the army of the United States are therefore commanded to respect this safeguard, and to afford, if necessary, protection to [the person, family, or property of ——— ———, as the case may be.]

Given at headquarters the — day of ———.

A. B———, *Major General Commanding-in-Chief.*

By command of the General.

C. D———, *Adjutant General.*

55th Article of the Rules and Articles of War.

"Whosoever belonging to the armies of the United States, employed in foreign parts, shall force a safeguard, shall suffer death."

SIEGES.

In the following regulations the besieging force is supposed to be two divisions of infantry and a brigade of cavalry. The same principles govern in other cases.

The Brigadier Generals of infantry serve, in turn, as Generals of the trenches; one or more of them are detailed daily, according to the front and number of attacks; they superintend the operations, and dispose the guards of the trenches to repulse sorties and protect the works. Officers of the general staff are assigned to them to transmit their orders and attend to the details of service.

The Colonels and Lieutenant Colonels of infantry alternate for duty in

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the trenches; one or more are detailed daily; they superintend the service of the guards and workmen in the part of the work to which the General of the trenches assigns them, being posted with troops of their own regiments in preference. The commandant of the siege may place the Colonels on the roster with the Brigadier Generals.

The commandants of engineers and artillery accompany the first troops before the place to examine the works and the approaches. When the engineers have completed the reconnoissance of the works, and of each front as far as practicable, the commandant of engineers makes a plan of the works as exact and detailed as possible, and, under the instructions of the General commanding the siege, draws up the general plan of the siege, and discusses it with the commandant of artillery in regard to the best employment of that arm. These officers then submit their joint or separate opinions to the General, who decides on the plan of the siege, and gives the orders for the execution. The commandant of engineers directs the construction of all the works of siege, under the authority of the General, and lays before him every day a report of his operations, and a plan showing the progress of the attack. The commandant of artillery also makes daily reports to the General of all that relates to his branch of the service.

The Quartermaster General establishes the hospitals and organizes the means for transporting the wounded to them.

The commanding General appoints a field officer of the trenches, who is aided by one or two Captains or Lieutenants.

The field officer of the trenches is charged with all the details relative to the assembling of the guards and the workmen. He distributes the guards on the different points of the attack agreeably to the orders of the General of the trenches, and forms the detachments of workmen for the engineers and artillery. That he may be prepared for this distribution, he receives every day from the Adjutant General a statement of the details for the next day.

On the arrival of the General of the trenches the field officer of the trenches gives him all the information necessary to enable him to station the troops, attends him in his visit to the trenches, and takes his orders on the changes to be made in the position of the troops. The execution is intrusted to the commandants of the troops.

The field officer of the trenches sees that men and litters are always ready to bring off the wounded. One or more companies of the guards

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of the trenches are put under his immediate orders for the preservation of order and police in the trenches.

The divisions, brigades, regiments, and battalions are encamped during the siege in the order of battle. The service of camp is conducted as heretofore prescribed.

The infantry has two kinds of siege service—the guard of the trenches and the work of the trenches.

The guards of the trenches mount every day by battalions, in such order of detail that all the troops may take an equal share, and no part of the line be left too weak. If only one battalion is required, each division furnishes it alternately; if two are required, each division gives one; if three, one division furnishes two, the other one, alternately. The two battalions of the same division are not taken from the same brigade.

The detail for work of the trenches is by company, from all the regiments at one time, or in turn, and continues generally twelve hours. The detail from any regiment should never be less than a company. If only half a company would be needed from all the regiments at a time, every other regiment furnishes a full company alternately.

The battalions for guard are detailed at least twelve hours in advance; they furnish no other details during this tour. If the whole regiment is called out, it leaves a sufficient police guard in camp.

Twenty-four hours, or twelve at least, before mounting guard in the trenches, the battalions detailed for guard do not furnish workmen; and the companies of those battalions whose tour it would have been to work in the trenches, do not go there for twenty-four hours after guard, if possible, or at the least twelve.

The workmen who are required for other work than that of the trenches are taken from the roster for fatigue from the battalions and companies not employed in the trenches.

The battalions first for detail for guard of the trenches, and the companies first for detail for work in the trenches, furnish no other details, and are held on picket, ready to march at the call of the field officer of the trenches.

Materials for the siege, such as facines, gabions, hurdles, pickets, &c., are furnished by the different corps, in the proportion ordered by the General.

Guards and workmen going to the trenches march without beat of drum or music

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At all times, and especially on the day the trenches are opened, everything is avoided likely to attract the attention of the enemy. With this view, the General may vary the hour of relieving guards.

The chiefs of engineers and artillery make requisitions for workmen in advance, that the details may be made in time to prevent any delay in the work. They should exceed the number strictly required, that there may be a reserve for unforeseen wants. If this reserve is found insufficient, the General directs the field officer of the trenches to call on the picket.

Before the guards and workmen march, the field officer of the trenches arranges them so that each detachment can reach its ground without confusion. The troops are posted in the trenches according to the position of their regiments in the order of battle, and, as far as possible, the companies of workmen in like order. The reserves of workmen are placed at the depot of the trenches, or the nearest suitable place to the works.

The workmen leave their knapsacks and swords in camp, and march with their fire-arms and cartridge-boxes, which they place near them while at work. They always carry their overcoats, to cover them in resting or when wounded.

The guards always enter the trenches with arms *trailed*, and the work men also, unless they carry materials or tools, when the arms are in the sling.

The guards and detachments of workmen send a Corporal to the openings of the trenches to guide the relief. They march out of the trenches by the flank, with trailed arms.

Sand-bags, forming loop-holes, are placed at intervals on the parapet to cover the sentinels; they are more numerous than the sentinels, so that the enemy may not know where the sentinels are placed.

When detachments are placed at night in advance of the trenches, to cover the workmen, the men sit or lie down, with their firearms in their hands, to hide themselves better from the enemy; the sentinels put their ears to the ground frequently, that they may hear troops coming out of the place. To prevent mistakes, the workmen are told what troops cover them.

No honors are paid in the trenches. When the General commanding the siege visits them, the guards place themselves in rear of the ban-

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quette, and rest on their arms. The colors are never carried to the trenches unless the whole regiment marches to repulse a sortie or make an assault. Even in this case they are not displayed until the General commanding the siege gives a formal order.

The materials of the siege of all kinds, together with the tools, are collected in part at the depots of the trenches, and in part at the openings of the trenches, or in such other place as has been appointed for the convenience of the service by the field officer of the trenches, on the advice of the chiefs of artillery and engineers. They are in charge of officers of engineers and of artillery, with guards or non-commissioned officers of both corps. But if these corps cannot furnish them, the chiefs apply for assistance from the infantry.

The workmen, in going to the trenches, carry such tools and materials as are required by the artillery and engineers. In this case, the field officer of the trenches has notice and superintends it.

The soldiers sent to the trenches go with their cartridge-boxes filled. Cartridges, when needed, are sent to the trenches on the requisition of commanders of battalions, approved by the General of the trenches.

In the case of a sortie, the guards move rapidly to the places that have been designated by the General of the trenches, and which afford the best defence for the head of the works, the batteries, the communications, or the flanks, or best enable them to take the sortie itself in flank or reverse. Having lined the banquette to fire on the enemy, the troops form on the reverse of the trench to receive him. The workmen take arms, retain their positions, or retire with their tools, as ordered. The officers commanding the detachments of workmen see that their movements are made promptly and in good order, so as to avoid all confusion in the communications.

The troops that advance beyond the trenches to repulse the sortie must not follow in pursuit. The General takes care that they return to the trenches before the retreat of the sortie allows the artillery of the place to open on them. When the workmen return, the officers and non-commissioned officers of the detachments call the roll without interrupting the work, which is immediately resumed.

When it is necessary to dismount cavalry and send them to the trenches, they should be employed as near their camp as possible, and posted between the detachments of infantry.

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Men belonging to the cavalry may, in assaults, be employed in carrying fascines and other materials to fill ditches and make passages

The general officers of cavalry are more particularly employed in the service of posts and detachments placed in observation to protect the siege. They and the field officers of this arm are employed in the command of escorts to convoys, of whatever arms the escorts may be composed. When these duties are not sufficient to employ them, they take their share of the duty of the trenches.

The officers of engineers and artillery of the trenches make to the General of the trenches a return of all losses in their troops, and such other reports on the work as he requires, in addition to the reports direct to their respective chiefs on the details of the service.

At the end of each tour, the field officer of the trenches draws up a report for the twenty-four hours to the General of the trenches. The General of the trenches reports to the General commanding the siege.

The commanders of the several corps in the trenches report, when relieved, to their respective headquarters the losses during the tour, and the conduct of the officers and men.

However practicable the breach may appear, or however ruined the works in rear of it, the heads of columns must always be supplied with ladders to get over unexpected obstacles.

The General commanding the siege designates picked companies to protect property and persons, and prevent pillage and violence, from the moment the place is carried. The officers exert themselves to restrain the men.

The General designates the places requiring particular protection, such as churches, asylums, hospitals, colleges, schools, and magazines. The order for their protection should remind the soldiers, at the time, of the penalty of disobeying it.

Whether the place be taken by assault or by capitulation, the provisions and military stores, and the public funds, are reserved for the use of the army.

The commander of engineers will keep a journal of the siege, showing the operations of each day in detail, the force employed on the work, the kind and quantity of materials used in them, &c. He will also mark on a plan of the ground the daily progress of the works, and make the necessary drawings explanatory of their construction.

The commander of the artillery will keep a daily journal of the opera-

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tions under his direction, showing—the number and kind of pieces in battery, the force employed in serving them, the kind and quantity of ammunition expended, the number of rounds fired from each piece of ordnance, the effect of the fire, and all other particulars relative to his branch of the service.

These journals and drawings will be sent, after the siege, with the report of the General, to the War Department.

DEFENCE OF FORTIFIED PLACES.

In war every commander of a fortified place shall always hold himself prepared with his plan of defence, as if at any time liable to attack. He arranges this plan according to the probable mode of attack; determines the posts of the troops in the several parts of the works, the reliefs, the reserves, and the details of service in all the corps. He draws up instructions for a case of attack, and exercises the garrison according to his plan of defence. In sea-coast works he provides the instructions for the different batteries on the approach of ships.

In framing his plan he studies the works and the exterior within the radius of attack and investment, the strength of the garrison, the artillery, the munitions of war, subsistence and supplies of all kinds, and takes immediate measures to procure whatever is deficient of troops or supplies, either by requisition on the government or from the means put at his disposal.

On the approach of an enemy he removes all houses and other objects, within or without the place, that cover the approaches, or interrupt the fire of the guns or the movements of the troops. He assures himself personally that all posterns, outlets, embrasures, &c., are in proper state of security.

He shall be furnished by the Department of War with a plan of the works, showing all the details of the fortifications and of the exterior within the radius of attack; with a map of the environs within the radius of investment; with a map of the vicinity, including the neighboring works, roads, water-channels, coasts, &c.; with a memoir explaining the situation and defence of the place, and the relations and bearings of the several works on each other, and on the approaches by land and water; all which he carefully preserves, and communicates only to the council of defence.

He consults his next in rank, and the senior officer of the engineers

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and of the artillery, either separately or as a council of defence. In the latter case he designates an officer to act as secretary to the council, and to record their proceedings and their joint or separate opinions which are to be kept secret during the siege. The members may record their opinions under their own signature. In all cases the commander decides on his own responsibility.

The commander of the place, and the chiefs of engineers and of artillery, shall keep journals of the defence, in which shall be entered, in order of date, without blank or interlineation, the orders given or received, the manner in which they are executed, their results, and every event and circumstance of importance in the progress of the defence. These journals and the proceedings of the council of defence shall be sent after the siege to the Department of War.

There shall be kept in the office of the commandant of the place, to be sent after the siege to the Department of War, a map of the environs, a plan of the fortifications, and a special plan of the front of attack, on which the chief engineer will trace, in succession, the positions occupied, and the works executed by the enemy from the investment; and also the works of counter approach or defence, and the successive positions of the artillery and other troops of the garrison during the progress of the siege.

The commander shall defend in succession the advanced works, the covered way and outworks, the body of the work, and the interior intrenchments. He will not be content with clearing away the foot of the breaches, and defending them by abattis, mines, and all the means used in sieges; but he shall begin in good time, behind the bastions or front of attack, the necessary intrenchments to resist assaults on the main work.

He shall use his means of defence in such manner as always to have a reserve of fresh troops, chosen from his best soldiers, to resist assaults, retake the outworks, and especially to resist the assaults on the body of the place; and a reserve of provisions for the last period of the siege, and of ammunition for the last attacks.

He must, in every case, compel the besieging force to approach by the slow and successive works of siege, and must sustain at least one assault on a practicable breach in the body of the place.

When the commander thinks that the end of the defence has come he shall still consult the council of defence on the means that may remain

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to prolong the siege. But in all cases he alone will decide on the time, manner, and terms of the surrender. In the capitulation he shall not seek or accept better terms for himself than for the garrison, but shall share their fate, and exert his best endeavors for the care of the troops, and especially of the sick and wounded.

No commander in the field shall withdraw troops or supplies from any fortified place, or exercise any authority over its commandant, unless it has been put subject to his orders by competent authority.

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General Order No. 100—Adjutant-General's Office.

INSTRUCTIONS

FOR THE

GOVERNMENT OF ARMIES

OF THE

UNITED STATES,

IN THE

FIELD.

PREPARED BY

FRANCIS LIEBER, LL.D.,

AND REVISED BY A BOARD OF OFFICERS.

NEW YORK:
D. VAN NOSTRAND, 192 BROADWAY.
1863.

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GENERAL ORDERS, No. 100.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 24, 1863.

The following "Instructions for the Government of Armies of the United States in the Field," prepared by FRANCIS LIEBER, LL. D., and revised by a Board of Officers, of which Major-General E. A. HITCHCOCK is president, having been approved by the President of the United States, he commands that they be published for the information of all concerned.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,
Assistant Adjutant-General.

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INSTRUCTIONS

FOR THE

GOVERNMENT OF ARMIES OF THE UNITED STATES IN THE FIELD.

SECTION I.

Martial law—Military jurisdiction—Military necessity—Retaliation.

1. A place, district, or country occupied by an enemy stands, in consequence of the occupation, under the Martial Law of the invading or occupying army, whether any proclamation declaring Martial Law, or any public warning to the inhabitants, has been issued or not. Martial Law is the immediate and direct effect and consequence of occupation or conquest.

The presence of a hostile army proclaims its Martial Law.

2. Martial Law does not cease during the hostile occupation, except by special proclamation, ordered by the commander-in-chief; or by special mention in the treaty of peace concluding the war, when the occupation of a place or territory continues beyond the conclusion of peace as one of the conditions of the same.

3. Martial Law in a hostile country consists in the suspension, by the occupying military authority, of the criminal and civil law, and of the domestic administration and government in the occupied place or territory, and in the

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substitution of military rule and force for the same, as well as in the dictation of general laws, as far as military necessity requires this suspension, substitution, or dictation.

The commander of the forces may proclaim that the administration of all civil and penal law shall continue, either wholly or in part, as in times of peace, unless otherwise ordered by the military authority.

4. Martial Law is simply military authority exercised in accordance with the laws and usages of war. Military oppression is not Martial Law; it is the abuse of the power which that law confers. As Martial Law is executed by military force, it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor, and humanity—virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.

5. Martial Law should be less stringent in places and countries fully occupied and fairly conquered. Much greater severity may be exercised in places or regions where actual hostilities exist, or are expected and must be prepared for. Its most complete sway is allowed—even in the commander's own country—when face to face with the enemy, because of the absolute necessities of the case, and of the paramount duty to defend the country against invasion.

To save the country is paramount to all other considerations.

6. All civil and penal law shall continue to take its usual course in the enemy's places and territories under Martial Law, unless interrupted or stopped by order of the occupying military power; but all the functions of the hostile government—legislative, executive, or administrative—

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whether of a general, provincial, or local character, cease under Martial Law, or continue only with the sanction, or if deemed necessary, the participation of the occupier or invader.

7. Martial Law extends to property, and to persons, whether they are subjects of the enemy or aliens to that government.

8. Consuls, among American and European nations, are not diplomatic agents. Nevertheless, their offices and persons will be subjected to Martial Law in cases of urgent necessity only: their property and business are not exempted. Any delinquency they commit against the established military rule may be punished as in the case of any other inhabitant, and such punishment furnishes no reasonable ground for international complaint.

9. The functions of Ambassadors, Ministers, or other diplomatic agents, accredited by neutral powers to the hostile government, cease, so far as regards the displaced government; but the conquering or occupying power usually recognizes them as temporarily accredited to itself.

10. Martial Law affects chiefly the police and collection of public revenue and taxes, whether imposed by the expelled government or by the invader, and refers mainly to the support and efficiency of the army, its safety, and the safety of its operations.

11. The law of war does not only disclaim all cruelty and bad faith concerning engagements concluded with the enemy during the war, but also the breaking of stipulations solemnly contracted by the belligerents in time of peace, and avowedly intended to remain in force in case of war between the contracting powers.

It disclaims all extortions and other transactions for indi-

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vidual gain; all acts of private revenge, or connivance at such acts.

Offences to the contrary shall be severely punished, and especially so if committed by officers.

12. Whenever feasible, Martial Law is carried out in cases of individual offenders by Military Courts; but sentences of death shall be executed only with the approval of the chief executive, provided the urgency of the case does not require a speedier execution, and then only with the approval of the chief commander.

13. Military jurisdiction is of two kinds: first, that which is conferred and defined by statute; second, that which is derived from the common law of war. Military offences under the statute law must be tried in the manner therein directed; but military offences which do not come within the statute must be tried and punished under the common law of war. The character of the courts which exercise these jurisdictions depends upon the local laws of each particular country.

In the armies of the United States the first is exercised by courts-martial; while cases which do not come within the "Rules and Articles of War," or the jurisdiction conferred by statute on courts-martial, are tried by military commissions.

14. Military necessity, as understood by modern civilized nations, consists in the necessity of those measures which are indispensable for securing the ends of the war, and which are lawful according to the modern law and usages of war.

15. Military necessity admits of all direct destruction of life or limb of *armed* enemies, and of other persons whose destruction is incidentally *unavoidable* in the armed contests of the war; it allows of the capturing of every armed

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enemy, and every enemy of importance to the hostile government, or of peculiar danger to the captor; it allows of all destruction of property, and obstruction of the ways and channels of traffic, travel, or communication, and of all withholding of sustenance or means of life from the enemy; of the appropriation of whatever an enemy's country affords necessary for the subsistence and safety of the army, and of such deception as does not involve the breaking of good faith either positively pledged, regarding agreements entered into during the war, or supposed by the modern law of war to exist. Men who take up arms against one another in public war do not cease on this account to be moral beings, responsible to one another, and to God.

16. Military necessity does not admit of cruelty, that is, the infliction of suffering for the sake of suffering or for revenge, nor of maiming or wounding except in fight, nor of torture to extort confessions. It does not admit of the use of poison in any way, nor of the wanton devastation of a district. It admits of deception, but disclaims acts of perfidy; and, in general, military necessity does not include any act of hostility which makes the return to peace unnecessarily difficult.

17. War is not carried on by arms alone. It is lawful to starve the hostile belligerent, armed or unarmed, so that it leads to the speedier subjection of the enemy.

18. When the commander of a besieged place expels the non-combatants, in order to lessen the number of those who consume his stock of provisions, it is lawful, though an extreme measure, to drive them back, so as to hasten on the surrender.

19. Commanders, whenever admissible, inform the enemy of their intention to bombard a place, so that the non-

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combatants, and especially the women and children, may be removed before the bombardment commences. But it is no infraction of the common law of war to omit thus to inform the enemy. Surprise may be a necessity.

20. Public war is a state of armed hostility between sovereign nations or governments. It is a law and requisite of civilized existence that men live in political, continuous societies, forming organized units, called states or nations, whose constituents bear, enjoy, and suffer, advance and retrograde together, in peace and in war.

21. The citizen or native of a hostile country is thus an enemy, as one of the constituents of the hostile state or nation, and as such is subjected to the hardships of the war.

22. Nevertheless, as civilization has advanced during the last centuries, so has likewise steadily advanced, especially in war on land, the distinction between the private individual belonging to a hostile country and the hostile country itself, with its men in arms. The principle has been more and more acknowledged that the unarmed citizen is to be spared in person, property, and honor as much as the exigencies of war will admit.

23. Private citizens are no longer murdered, enslaved, or carried off to distant parts, and the inoffensive individual is as little disturbed in his private relations as the commander of the hostile troops can afford to grant in the overruling demands of a vigorous war.

24. The almost universal rule in remote times was, and continues to be with barbarous armies, that the private individual of the hostile country is destined to suffer every privation of liberty and protection, and every disruption of family ties. Protection was, and still is with uncivilized people, the exception.

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25. In modern regular wars of the Europeans, and their descendants in other portions of the globe, protection of the inoffensive citizen of the hostile country is the rule; privation and disturbance of private relations are the exceptions.

26. Commanding generals may cause the magistrates and civil officers of the hostile country to take the oath of temporary allegiance or an oath of fidelity to their own victorious government or rulers, and they may expel every one who declines to do so. But whether they do so or not, the people and their civil officers owe strict obedience to them as long as they hold sway over the district or country, at the peril of their lives.

27. The law of war can no more wholly dispense with retaliation than can the law of nations, of which it is a branch. Yet civilized nations acknowledge retaliation as the sternest feature of war. A reckless enemy often leaves to his opponent no other means of securing himself against the repetition of barbarous outrage.

28. Retaliation will, therefore, never be resorted to as a measure of mere revenge, but only as a means of protective retribution, and, moreover, cautiously and unavoidably; that is to say, retaliation shall only be resorted to after careful inquiry into the real occurrence, and the character of the misdeeds that may demand retribution.

Unjust or inconsiderate retaliation removes the belligerents farther and farther from the mitigating rules of a regular war, and by rapid steps leads them nearer to the internecine wars of savages.

29. Modern times are distinguished from earlier ages by the existence, at one and the same time, of many nations and great governments related to one another in close intercourse.

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Peace is their normal condition; war is the exception. The ultimate object of all modern war is a renewed state of peace.

The more vigorously wars are pursued, the better it is for humanity. Sharp wars are brief.

30. Ever since the formation and co-existence of modern nations, and ever since wars have become great national wars, war has come to be acknowledged not to be its own end, but the means to obtain great ends of state, or to consist in defence against wrong; and no conventional restriction of the modes adopted to injure the enemy is any longer admitted; but the law of war imposes many limitations and restrictions on principles of justice, faith, and honor.

SECTION II.

Public and private property of the Enemy—Protection of persons, and especially women; of religion, the arts and sciences—Punishment of crimes against the inhabitants of hostile countries.

31. A victorious army appropriates all public money, seizes all public movable property until further direction by its government, and sequesters for its own benefit or that of its government all the revenues of real property belonging to the hostile government or nation. The title to such real property remains in abeyance during military occupation, and until the conquest is made complete.

32. A victorious army, by the martial power inherent in the same, may suspend, change, or abolish, as far as the martial power extends, the relations which arise from the services due, according to the existing laws of the invaded country, from one citizen, subject, or native of the same to another.

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The commander of the army must leave it to the ultimate treaty of peace to settle the permanency of this change.

33. It is no longer considered lawful—on the contrary, it is held to be a serious breach of the law of war—to force the subjects of the enemy into the service of the victorious government, except the latter should proclaim, after a fair and complete conquest of the hostile country or district, that it is resolved to keep the country, district, or place permanently as its own, and make it a portion of its own country.

34. As a general rule, the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character, to establishments of education, or foundations for the promotion of knowledge, whether public schools, universities, academies of learning or observatories, museums of the fine arts, or of a scientific character—such property is not to be considered public property in the sense of paragraph 31; but it may be taxed or used when the public service may require it.

35. Classical works of art, libraries, scientific collections, or precious instruments, such as astronomical telescopes, as well as hospitals, must be secured against all avoidable injury, even when they are contained in fortified places whilst besieged or bombarded.

36. If such works of art, libraries, collections, or instruments belonging to a hostile nation or government, can be removed without injury, the ruler of the conquering state or nation may order them to be seized and removed for the benefit of the said nation. The ultimate ownership is to be settled by the ensuing treaty of peace.

In no case shall they be sold or given away, if cap-

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tured by the armies of the United States, nor shall they ever be privately appropriated, or wantonly destroyed or injured.

37. The United States acknowledge and protect, in hostile countries occupied by them, religion and morality; strictly private property; the persons of the inhabitants, especially those of women; and the sacredness of domestic relations. Offences to the contrary shall be rigorously punished.

This rule does not interfere with the right of the victorious invader to tax the people or their property, to levy forced loans, to billet soldiers, or to appropriate property, especially houses, land, boats or ships, and churches, for temporary and military uses.

38. Private property, unless forfeited by crimes or by offences of the owner, can be seized only by way of military necessity, for the support or other benefit of the army of the United States.

If the owner has not fled, the commanding officer will cause receipts to be given, which may serve the spoliated owner to obtain indemnity.

39. The salaries of civil officers of the hostile government who remain in the invaded territory, and continue the work of their office, and can continue it according to the circumstances arising out of the war—such as judges, administrative or police officers, officers of city or communal governments—are paid from the public revenue of the invaded territory, until the military government has reason wholly or partially to discontinne it. Salaries or incomes connected with purely honorary titles are always stopped.

40. There exists no law or body of authoritative rules of action between hostile armies, except that branch of the

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law of nature and nations which is called the law and usages of war on land.

41. All municipal law of the ground on which the armies stand, or of the countries to which they belong, is silent and of no effect between armies in the field.

42. Slavery, complicating and confounding the ideas of property, (that is of a *thing*,) and of personality, (that is of *humanity*,) exists according to municipal law or local law only. The law of nature and nations has never acknowledged it. The digest of the Roman law enacts the early dictum of the pagan jurist, that "so far as the law of nature is concerned, all men are equal." Fugitives escaping from a country in which they were slaves, villains, or serfs, into another country, have, for centuries past, been held free and acknowledged free by judicial decisions of European countries, even though the municipal law of the country in which the slave had taken refuge acknowledged slavery within its own dominions.

43. Therefore, in a war between the United States and a belligerent which admits of slavery, if a person held in bondage by that belligerent be captured by or come as a fugitive under the protection of the military forces of the United States, such person is immediately entitled to the rights and privileges of a freeman. To return such person into slavery would amount to enslaving a free person, and neither the United States nor any officer under their authority can enslave any human being. Moreover, a person so made free by the law of war is under the shield of the law of nations, and the former owner or State can have, by the law of post-liminy, no belligerent lien or claim of service.

44. All wanton violence committed against persons in

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the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force, all rape, wounding, maiming, or killing of such inhabitants, are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offence.

A soldier, officer or private, in the act of committing such violence, and disobeying a superior ordering him to abstain from it, may be lawfully killed on the spot by such superior.

45. All captures and booty belong, according to the modern law of war, primarily to the government of the captor.

Prize money, whether on sea or land, can now only be claimed under local law.

46. Neither officers nor soldiers are allowed to make use of their position or power in the hostile country for private gain, not even for commercial transactions otherwise legitimate. Offences to the contrary committed by commisioned officers will be punished with cashiering or such other punishment as the nature of the offence may require; if by soldiers, they shall be punished according to the nature of the offence.

47. Crimes punishable by all penal codes, such as arson, murder, maiming, assaults, highway robbery, theft, burglary, fraud, forgery, and rape, if committed by an American soldier in a hostile country against its inhabitants, are not only punishable as at home, but in all cases in which death is not inflicted, the severer punishment shall be prerred.

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SECTION III.

Deserters—Prisoners of War—Hostages—Booty on the Battle-field.

48. Deserters from the American army, having entered the service of the enemy, suffer death if they fall again into the hands of the United States, whether by capture, or being delivered up to the American army; and if a deserter from the enemy, having taken service in the army of the United States, is captured by the enemy, and punished by them with death or otherwise, it is not a breach against the law and usages of war, requiring redress or retaliation.

49. A prisoner of war is a public enemy armed or attached to the hostile army for active aid, who has fallen into the hands of the captor, either fighting or wounded, on the field or in the hospital, by individual surrender or by capitulation.

All soldiers, of whatever species of arms; all men who belong to the rising *en masse* of the hostile country; all those who are attached to the army for its efficiency and promote directly the object of the war, except such as are hereinafter provided for; all disabled men or officers on the field or elsewhere, if captured; all enemies who have thrown away their arms and ask for quarter, are prisoners of war, and as such exposed to the inconveniences as well as entitled to the privileges of a prisoner of war.

50. Moreover, citizens who accompany an army for whatever purpose, such as sutlers, editors, or reporters of journals, or contractors, if captured, may be made prisoners of war, and be detained as such.

The monarch and members of the hostile reigning family, male or female, the chief, and chief officers of the hostile government, its diplomatic agents, and all persons who are

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of particular and singular use and benefit to the hostile army or its government, are, if captured on belligerent ground, and if unprovided with a safe conduct granted by the captor's government, prisoners of war.

51. If the people of that portion of an invaded country which is not yet occupied by the enemy, or of the whole country, at the approach of a hostile army, rise under a duly authorized levy, *en masse* to resist the invader, they are now treated as public enemies, and if captured, are prisoners of war.

52. No belligerent has the right to declare that he will treat every captured man in arms of a levy *en masse* as a brigand or bandit.

If, however, the people of a country, or any portion of the same, already occupied by an army, rise against it, they are violators of the laws of war, and are not entitled to their protection.

53. The enemy's chaplains, officers of the medical staff, apothecaries, hospital nurses and servants, if they fall into the hands of the American army, are not prisoners of war, unless the commander has reasons to retain them. In this latter case, or if, at their own desire, they are allowed to remain with their captured companions, they are treated as prisoners of war, and may be exchanged if the commander sees fit.

54. A hostage is a person accepted as a pledge for the fulfilment of an agreement concluded between belligerents during the war, or in consequence of a war. Hostages are rare in the present age.

55. If a hostage is accepted, he is treated like a prisoner of war, according to rank and condition, as circumstances may admit.

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56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering, or disgrace, by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

57. So soon as a man is armed by a sovereign government, and takes the soldier's oath of fidelity, he is a belligerent; his killing, wounding, or other warlike acts, are no individual crimes or offences. No belligerent has a right to declare that enemies of a certain class, color, or condition, when properly organized as soldiers, will not be treated by him as public enemies.

58. The law of nations knows of no distinction of color, and if an enemy of the United States should enslave and sell any captured persons of their army, it would be a case for the severest retaliation, if not redressed upon complaint.

The United States cannot retaliate by enslavement; therefore death must be the retaliation for this crime against the law of nations.

59. A prisoner of war remains answerable for his crimes committed against the captor's army or people, committed before he was captured, and for which he has not been punished by his own authorities.

All prisoners of war are liable to the infliction of retaliatory measures.

60. It is against the usage of modern war to resolve, in hatred and revenge, to give no quarter. No body of troops has the right to declare that it will not give, and therefore will not expect, quarter; but a commander is permitted to direct his troops to give no quarter, in great straits, when his own salvation makes it *impossible* to cumber himself with prisoners.

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61. Troops that give no quarter have no right to kill enemies already disabled on the ground, or prisoners captured by other troops.

62. All troops of the enemy known or discovered to give no quarter in general, or to any portion of the army, receive none.

63. Troops who fight in the uniform of their enemies, without any plain, striking, and uniform mark of distinction of their own, can expect no quarter.

64. If Americon troops capture a train containing uniforms of the enemy, and tho commander considers it advisable to distribute them for use among his men, some striking mark or sign must be adopted to distinguish the American soldier from the enemy.

65. The use of the enemy's national standard, flag, or other emblem of nationality, for the purpose of deceiving the enemy in battle, is an act of perfidy by which they lose all claim to the protection of the laws of war.

66. Quarter having been given to an enemy by American troops, under a misapprehension of his true character, he may, nevertheless, be ordered to suffer death if, within three days after the battle, it be discovered that he belongs to a corps which gives no quarter.

67. The law of nations allows every sovereign government to make war upon another sovereign state, and, therefore, admits of no rules or laws different from those of regular warfare, regarding the treatment of prisoners of war, although they may belong to the army of a government which the captor may consider as a wanton and unjust assailant.

68. Modern wars are not internecine wars, in which the killing of the enemy is the object. The destruction of the

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enemy in modern war, and, indeed, modern war itself, are means to obtain that object of the belligerent which lies beyond the war.

Unnecessary or revengeful destruction of life is not lawful.

69. Outposts, sentinels, or pickets are not to be fired upon, except to drive them in, or when a positive order, special or general, has been issued to that effect.

70. The use of poison in any manner, be it to poison wells, or food, or arms, is wholly excluded from modern warfare. He that uses it puts himself out of the pale of the law and usages of war.

71. Whoever intentionally inflicts additional wounds on an enemy already wholly disabled, or kills such an enemy, or who orders or encourages soldiers to do so, shall suffer death, if duly convicted, whether he belongs to the army of the United States, or is an enemy captured after having committed his misdeed.

72. Money and other valuables on the person of a prisoner, such as watches or jewelry, as well as extra clothing, are regarded by the American army as the private property of the prisoner, and the appropriation of such valuables or money is considered dishonorable, and is prohibited.

Nevertheless, if *large* sums are found upon the persons of prisoners, or in their possession, they shall be taken from them, and the surplus, after providing for their own support, appropriated for the use of the army, under the direction of the commander, unless otherwise ordered by the government. Nor can prisoners claim, as private property, large sums found and captured in their train, although they had been placed in the private luggage of the prisoners.

73. All officers, when captured, must surrender their

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side-arms to the captor. They may be restored to the prisoner in marked cases, by the commander, to signalize admiration of his distinguished bravery, or approbation of his humane treatment of prisoners before his capture. The captured officer to whom they may be restored cannot wear them during captivity.

74. A prisoner of war being a public enemy, is the prisoner of the government, and not of the captor. No ransom can be paid by a prisoner of war to his individual captor, or to any officer in command. The government alone releases captives, according to rules prescribed by itself.

75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. The confinement and mode of treating a prisoner may be varied during his captivity according to the demands of safety.

76. Prisoners of war shall be fed upon plain and wholesome food whenever practicable, and treated with humanity.

They may be required to work for the benefit of the captor's government, according to their rank and condition.

77. A prisoner of war who escapes may be shot, or otherwise killed in his flight; but neither death nor any other punishment shall be inflicted upon him simply for his attempt to escape, which the law of war does not consider a crime. Stricter means of security shall be used after an unsuccessful attempt at escape.

If, however, a conspiracy is discovered, the purpose of which is a united or general escape, the conspirators may be rigorously punished, even with death; and capital punish-

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ment may also be inflicted upon prisoners of war discovered to have plotted rebellion against the authorities of the captors, whether in union with fellow-prisoners or other persons.

78. If prisoners of war, having given no pledge nor made any promise on their honor, forcibly or otherwise escape, and are captured again in battle, after having rejoined their own army, they shall not be punished for their escape, but shall be treated as simple prisoners of war, although they will be subjected to stricter confinement.

79. Every captured wounded enemy shall be medically treated, according to the ability of the medical staff.

80. Honorable men, when captured, will abstain from giving to the enemy information concerning their own army, and the modern law of war permits no longer the use of any violence against prisoners, in order to extort the desired information, or to punish them for having given false information.

SECTION IV.

Partisans—Armed enemies not belonging to the hostile army—Scouts—Armed prowlers—War-rebels.

81. Partisans are soldiers armed and wearing the uniform of their army, but belonging to a corps which acts detached from the main body for the purpose of making inroads into the territory occupied by the enemy. If captured, they are entitled to all the privileges of the prisoner of war.

82. Men, or squads of men, who commit hostilities, whether by fighting, or inroads for destruction or plunder, or by raids of any kind, without commission, without being part and portion of the organized hostile army, and without sharing continuously in the war, but who do so with inter-

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mitting returns to their homes and avocations, or with the occasional assumption of the semblance of peaceful pursuits, divesting themselves of the character or appearance of soldiers—such men, or squads of men, are not public enemies, and therefore, if captured, are not entitled to the privileges of prisoners of war, but shall be treated summarily as highway robbers or pirates.

83. Scouts or single soldiers, if disguised in the dress of the country, or in the uniform of the army hostile to their own, employed in obtaining information, if found within or lurking about the lines of the captor, are treated as spies, and suffer death.

84. Armed prowlers, by whatever names they may be called, or persons of the enemy's territory, who steal within the lines of the hostile army, for the purpose of robbing, killing, or of destroying bridges, roads, or canals, or of robbing or destroying the mail, or of cutting the telegraph wires, are not entitled to the privileges of the prisoner of war.

85. War-rebels are persons within an occupied territory who rise in arms against the occupying or conquering army, or against the authorities established by the same. If captured, they may suffer death, whether they rise singly, in small or large bands, and whether called upon to do so by their own, but expelled, government or not. They are not prisoners of war; nor are they, if discovered and secured before their conspiracy has matured to an actual rising, or to armed violence.

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SECTION V.

Safe-conduct — Spies — War-traitors — Captured messengers — Abuse of the flag of truce.

86. All intercourse between the territories occupied by belligerent armies, whether by traffic, by letter, by travel, or in any other way, ceases. This is the general rule, to be observed without special proclamation.

Exceptions to this rule, whether by safe-conduct, or permission to trade on a small or large scale, or by exchanging mails, or by travel from one territory into the other, can take place only according to agreement approved by the government, or by the highest military authority.

Contraventions of this rule are highly punishable.

87. Ambassadors, and all other diplomatic agents of neutral powers, accredited to the enemy, may receive safe conducts through the territories occupied by the belligerents, unless there are military reasons to the contrary, and unless they may reach the place of their destination conveniently by another route. It implies no international affront if the safe conduct is declined. Such passes are usually given by the supreme authority of the state, and not by subordinate officers.

88. A spy is a person who secretly, in disguise or under false pretence, seeks information with the intention of communicating it to the enemy.

The spy is punishable with death by hanging by the neck, whether or not he succeed in obtaining the information or in conveying it to the enemy.

89. If a citizen of the United States obtains information in a legitimate manner, and betrays it to the enemy, be he

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a military or civil officer, or a private citizen, he shall suffer death.

90. A traitor under the law of war, or a war-traitor, is a person in a place or district under martial law who, unauthorized by the military commander, gives information of any kind to the enemy, or holds intercourse with him.

91. The war-traitor is always severely punished. If his offence consists in betraying to the enemy any thing concerning the condition, safety, operations or plans of the troops holding or occupying the place or district, his punishment is death.

92. If the citizen or subject of a country or place invaded or conquered gives information to his own government, from which he is separated by the hostile army, or to the army of his government, he is a war-traitor, and death is the penalty of his offence.

93. All armies in the field stand in need of guides, and impress them if they cannot obtain them otherwise.

94. No person having been forced by the enemy to serve as guide is punishable for having done so.

95. If a citizen of a hostile and invaded district voluntarily serves as a guide to the enemy, or offers to do so, he is deemed a war-traitor, and shall suffer death.

96. A citizen serving voluntarily as a guide against his own country commits treason, and will be dealt with according to the law of his country.

97. Guides, when it is clearly proved that they have misled intentionally, may be put to death.

98. All unauthorized or secret communication with the enemy is considered treasonable by the law of war.

Foreign residents in an invaded or occupied territory, or foreign visitors in the same, can claim no immunity from

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this law. They may communicate with foreign parts, or with the inhabitants of the hostile country, so far as the military authority permits, but no further. Instant expulsion from the occupied territory would be the very least punishment for the infraction of this rule.

99. A messenger carrying written dispatches or verbal messages from one portion of the army, or from a besieged place, to another portion of the same army, or its government, if armed, and in the uniform of his army, and if captured while doing so, in the territory occupied by the enemy, is treated by the captor as a prisoner of war. If not in uniform, nor a soldier, the circumstances connected with his capture must determine the disposition that shall be made of him.

100. A messenger or agent who attempts to steal through the territory occupied by the enemy, to further, in any manner, the interests of the enemy, if captured, is not entitled to the privileges of the prisoner of war, and may be dealt with according to the circumstances of the case.

101. While deception in war is admitted as a just and necessary means of hostility, and is consistent with honorable warfare, the common law of war allows even capital punishment for clandestine or treacherous attempts to injure an enemy, because they are so dangerous, and it is so difficult to guard against them.

102. The law of war, like the criminal law regarding other offences, makes no difference on account of the difference of sexes, concerning the spy, the war-traitor, or the war-rebel.

103. Spies, war-traitors, and war-rebels, are not exchanged according to the common law of war. The exchange of such persons would require a special cartel,

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authorized by the government, or, at a great distance from it, by the chief commander of the army in the field.

104. A successful spy or war-traitor, safely returned to his own army, and afterwards captured as an enemy, is not subject to punishment for his acts as a spy or war-traitor, but he may be held in closer custody as a person individually dangerous.

SECTION VI.

Exchange of prisoners—Flags of truce—Flags of protection.

105. Exchanges of prisoners take place—number for number—rank for rank—wounded for wounded—with added condition for added condition—such, for instance, as not to serve for a certain period.

106. In exchanging prisoners of war, such numbers of persons of inferior rank may be substituted as an equivalent for one of superior rank as may be agreed upon by cartel, which requires the sanction of the government, or of the commander of the army in the field.

107. A prisoner of war is in honor bound truly to state to the captor his rank; and he is not to assume a lower rank than belongs to him, in order to cause a more advantageous exchange; nor a higher rank, for the purpose of obtaining better treatment.

Offences to the contrary have been justly punished by the commanders of released prisoners, and may be good cause for refusing to release such prisoners.

108. The surplus number of prisoners of war remaining after an exchange has taken place is sometimes released either for the payment of a stipulated sum of money, or, in urgent cases, of provision, clothing, or other necessaries.

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Such arrangement, however, requires the sanction of the highest authority.

109. The exchange of prisoners of war is an act of convenience to both belligerents. If no general cartel has been concluded, it cannot be demanded by either of them. No belligerent is obliged to exchange prisoners of war.

A cartel is voidable so soon as either party has violated it.

110. No exchange of prisoners shall be made except after complete capture, and after an accurate account of them, and a list of the captured officers, has been taken.

111. The bearer of a flag of truce cannot insist upon being admitted. He must always be admitted with great caution. Unnecessary frequency is carefully to be avoided.

112. If the bearer of a flag of truce offer himself during an engagement, he can be admitted as a very rare exception only. It is no breach of good faith to retain such a flag of truce, if admitted during the engagement. Firing is not required to cease on the appearance of a flag of truce in battle.

113. If the bearer of a flag of truce, presenting himself during an engagement, is killed or wounded, it furnishes no ground of complaint whatever.

114. If it be discovered, and fairly proved, that a flag of truce has been abused for surreptitiously obtaining military knowledge, the bearer of the flag thus abusing his sacred character is deemed a spy.

So sacred is the character of a flag of truce, and so necessary is its sacredness, that while its abuse is an especially heinous offence, great caution is requisite, on the other hand, in convicting the bearer of a flag of truce as a spy.

115. It is customary to designate by certain flags (usually

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yellow), the hospitals in places which are shelled, so that the besieging enemy may avoid firing on them. The same has been done in battles, when hospitals are situated within the field of the engagement.

116. Honorable belligerents often request that the hospitals within the territory of the enemy may be designated, so that they may be spared.

An honorable belligerent allows himself to be guided by flags or signals of protection as much as the contingencies and the necessities of the fight will permit.

117. It is justly considered an act of bad faith, of infamy or fiendishness, to deceive the enemy by flags of protection. Such act of bad faith may be good cause for refusing to respect such flags.

118. The besieging belligerent has sometimes requested the besieged to designate the buildings containing collections of works of art, scientific museums, astronomical observatories, or precious libraries, so that their destruction may be avoided as much as possible.

SECTION VII.

The Parole.

119. Prisoners of war may be released from captivity by exchange, and, under certain circumstances, also by parole.

120. The term *parole* designates the pledge of individual good faith and honor to do, or to omit doing, certain acts after he who gives his parole shall have been dismissed, wholly or partially, from the power of the captor.

121. The pledge of the parole is always an individual but not a private act.

122. The parole applies chiefly to prisoners of war whom

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the captor allows to return to their country, or to live in greater freedom within the captor's country or territory, on conditions stated in the parole.

123. Release of prisoners of war by exchange is the general rule; release by parole is the exception.

124. Breaking the parole is punished with death when the person breaking the parole is captured again.

Accurate lists, therefore, of the paroled persons must be kept by the belligerents.

125. When paroles are given and received, there must be an exchange of two written documents, in which the name and rank of the paroled individuals are accurately and truthfully stated.

126. Commissioned officers only are allowed to give their parole, and they can give it only with the permission of their superior, as long as a superior in rank is within reach.

127. No non-commissioned officer or private can give his parole except through an officer. Individual paroles not given through an officer are not only void, but subject the individual giving them to the punishment of death as deserters. The only admissible exception is where individuals, properly separated from their commands, have suffered long confinement without the possibility of being paroled through an officer.

128. No paroling on the battle-field, no paroling of entire bodies of troops after a battle, and no dismissal of large numbers of prisoners, with a general declaration that they are paroled, is permitted, or of any value.

129. In capitulations for the surrender of strong places or fortified camps, the commanding officer, in cases of urgent necessity, may agree that the troops under his command shall not fight again during the war, unless exchanged.

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130. The usual pledge given in the parole is not to serve during the existing war, unless exchanged.

This pledge refers only to the active service in the field, against the paroling belligerent or his allies actively engaged in the same war. These cases of breaking the parole are patent acts, and can be visited with the punishment of death; but the pledge does not refer to internal service, such as recruiting or drilling the recruits, fortifying places not besieged, quelling civil commotions, fighting against belligerents unconnected with the paroling belligerents, or to civil or diplomatic service for which the paroled officer may be employed.

131. If the government does not approve of the parole, the paroled officer must return into captivity; and should the enemy refuse to receive him, he is free of his parole.

132. A belligerent government may declare, by a general order, whether it will allow paroling, and on what conditions it will allow it. Such order is communicated to the enemy.

133. No prisoner of war can be forced by the hostile government to parole himself, and no government is obliged to parole prisoners of war, or to parole all captured officers if it paroles any. As the pledging of the parole is an individual act, so is paroling, on the other hand, an act of choice on the part of the belligerent.

134. The commander of an occupying army may require of the civil officers of the enemy, and of its citizens, any pledge he may consider necessary for the safety or security of his army; and upon their failure to give it, he may arrest, confine, or detain them.

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SECTION VIII.

Armistice—Capitulation.

135. An armistice is the cessation of active hostilities for a period agreed upon between belligerents. It must be agreed upon in writing, and duly ratified by the highest authorities of the contending parties.

136. If an armistice be declared, without conditions, it extends no further than to require a total cessation of hostilities along the front of both belligerents.

If conditions be agreed upon, they should be clearly expressed, and must be rigidly adhered to by both parties. If either party violates any express condition, the armistice may be declared null and void by the other.

137. An armistice may be general, and valid for all points and lines of the belligerents; or special—that is, referring to certain troops or certain localities only

An armistice may be concluded for a definite time; or for an indefinite time, during which either belligerent may resume hostilities on giving the notice agreed upon to the other.

138. The motives which induce the one or the other belligerent to conclude an armistice, whether it be expected to be preliminary to a treaty of peace, or to prepare during the armistice for a more vigorous prosecution of the war, do in no way affect the character of the armistice itself.

139. An armistice is binding upon the belligerents from the day of the agreed commencement; but the officers of the armies are responsible from the day only when they receive official information of its existence.

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140. Commanding officers have the right to conclude armistices binding on the district over which their command extends; but such armistice is subject to the ratification of the superior authority, and ceases so soon as it is made known to the enemy that the armistice is not ratified, even if a certain time for the elapsing between giving notice of cessation and the resumption of hostilities should have been stipulated for.

141. It is incumbent upon the contracting parties of an armistice to stipulate what intercourse of persons or traffic between the inhabitants of the territories occupied by the hostile armies shall be allowed, if any.

If nothing is stipulated, the intercourse remains suspended, as during actual hostilities.

142. An armistice is not a partial or a temporary peace; it is only the suspension of military operations to the extent agreed upon by the parties.

143. When an armistice is concluded between a fortified place and the army besieging it, it is agreed by all the authorities on this subject that the besieger must cease all extension, perfection, or advance of his attacking works, as much so as from attacks by main force.

But as there is a difference of opinion among martial jurists, whether the besieged have the right to repair breaches or to erect new works of defence within the place during an armistice, this point should be determined by express agreement between the parties.

144. So soon as a capitulation is signed, the capitulator has no right to demolish, destroy, or injure the works, arms, stores, or ammunition, in his possession, during the time which elapses between the signing and the execution of the capitulation, unless otherwise stipulated in the same.

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145. When an armistice is clearly broken by one of the parties, the other party is released from all obligation to observe it.

146. Prisoners, taken in the act of breaking an armistice, must be treated as prisoners of war, the officer alone being responsible who gives the order for such a violation of an armistice. The highest authority of the belligerent aggrieved may demand redress for the infraction of an armistice.

147. Belligerents sometimes conclude an armistice while their plenipotentiaries are met to discuss the conditions of a treaty of peace; but plenipotentiaries may meet without a preliminary armistice: in the latter case, the war is carried on without any abatement.

SECTION IX.

Assassination.

148. The law of war does not allow proclaiming either an individual belonging to the hostile army, or a citizen, or a subject of the hostile government, an outlaw, who may be slain without trial by any captor, any more than the modern law of peace allows such international outlawry; on the contrary, it abhors such outrage. The sternest retaliation should follow the murder committed in consequence of such proclamation, made by whatever authority. Civilized nations look with horror upon offers of rewards for the assassination of enemies, as relapses into barbarism.

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SECTION X.

Insurrection—Civil war—Rebellion.

149. Insurrection is the rising of people in arms against their government, or a portion of it, or against one or more of its laws, or against an officer or officers of the government. It may be confined to mere armed resistance, or it may have greater ends in view.

150. Civil war is war between two or more portions of a country or state, each contending for the mastery of the whole, and each claiming to be the legitimate government. The term is also sometimes applied to war of rebellion, when the rebellious provinces or portions of the state are contiguous to those containing the seat of government.

151. The term *rebellion* is applied to an insurrection of large extent, and is usually a war between the legitimate government of a country and portions or provinces of the same who seek to throw off their allegiance to it, and set up a government of their own.

152. When humanity induces the adoption of the rules of regular war toward rebels, whether the adoption is partial or entire, it does in no way whatever imply a partial or complete acknowledgment of their government, if they have set up one, or of them, as an independent or sovereign power. Neutrals have no right to make the adoption of the rules of war by the assailed government toward rebels the ground of their own acknowledgment of the revolted people as an independent power.

153. Treating captured rebels as prisoners of war, exchanging them, concluding of cartels, capitulations, or other warlike agreements with them; addressing officers of a

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rebel army by the rank they may have in the same; accepting flags of truce; or, on the other hand, proclaiming martial law in their territory, or levying war-taxes or forced loans, or doing any other act sanctioned or demanded by the law and usages of public war between sovereign belligerents, neither proves nor establishes an acknowledgment of the rebellious people, or of the government which they may have erected, as a public or sovereign power. Nor does the adoption of the rules of war toward rebels imply an engagement with them extending beyond the limits of these rules. It is victory in the field that ends the strife, and settles the future relations between the contending parties.

154. Treating, in the field, the rebellious enemy according to the law and usages of war, has never prevented the legitimate government from trying the leaders of the rebellion or chief rebels for high treason, and from treating them accordingly, unless they are included in a general amnesty.

155. All enemies in regular war are divided into two general classes; that is to say, into combatants and non-combatants, or unarmed citizens of the hostile government.

The military commander of the legitimate government, in a war of rebellion, distinguishes between the loyal citizen in the revolted portion of the country and the disloyal citizen. The disloyal citizens may further be classified into those citizens known to sympathize with the rebellion, without positively aiding it, and those who, without taking up arms, give positive aid and comfort to the rebellious enemy, without being bodily forced thereto.

156. Common justice and plain expediency require that the military commander protect the manifestly loyal citizens, in revolted territories, against the hardships of the

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war, as much as the common misfortune of all war admits.

The commander will throw the burden of the war, as much as lies within his power, on the disloyal citizens of the revolted portion or province, subjecting them to a stricter police than the non-combatant enemies have to suffer in regular war; and if he deems it appropriate, or if his government demands of him, that every citizen shall, by an oath of allegiance, or by some other manifest act, declare his fidelity to the legitimate government, he may expel, transfer, imprison, or fine the revolted citizens who refuse to pledge themselves anew as citizens obedient to the law, and loyal to the government.

Whether it is expedient to do so, and whether reliance can be placed upon such oaths, the commander or his government have the right to decide.

157. Armed or unarmed resistance by citizens of the United States against the lawful movements of their troops, is levying war against the United States, and is therefore treason.

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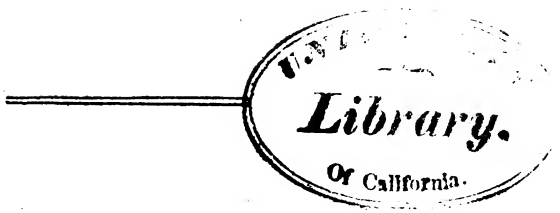

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1824.

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ARTICLES OF WAR.

[1806.]

AN ACT for establishing Rules and Articles for the Government of the Armies of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passing of this act, the following shall be the rules and articles by which the armies of the United States shall be governed:

Officers to subscribe these rules.

Art. 1. Every officer, now in the army of the United States, shall, in six months from the passing of this act, and every officer who shall hereafter be appointed, shall, before he enters on the duties of his office, subscribe these rules and regulations.

Misbehaviour at a place of worship.

Art. 2. It is earnestly recommended to all officers and soldiers diligently to attend divine service; and all officers who shall behave indecently or irreverently, at any place of divine worship, shall, if commissioned officers, be brought before a general court martial, there to be publicly and severely reprimanded by the president; if noncommissioned officers or soldiers, every person, so offending, shall, for his first offence, forfeit one sixth of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but

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be confined twenty-four hours; and for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied by the captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

Profane oaths.

Art. 3. Any noncommissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and a commissioned officer shall forfeit and pay for each and every such offence, one dollar, to be applied as in the preceding article.

Chaplain absenting himself from his duties.

Art. 4. Every chaplain, commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him, (excepting in cases of sickness or leave of absence,) shall, on conviction thereof before a court martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged, as the said court martial shall judge proper.

Disrespectful words against the President, Congress, or state legislatures.

Art. 5. Any officer or soldier who shall use contemptuous or disrespectful words against the President of the United States, against the Vice President thereof, against the Congress of the United States, or against the chief magistrate or legislature of any of the United States, in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished, as a court martial shall direct; if a noncommissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court martial.

Disrespect of commanding officer.

Art. 6. Any officer or soldier who shall behave himself with contempt or disrespect towards his commanding officer, shall be punished

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according to the nature of his offence, by the judgment of a court martial

Mutiny.

Art. 7. Any officer or soldier who shall begin, excite, cause, or join, in any mutiny, or sedition, in any troop or company in the service of the United States, or in any party, post, detachment, or guard, shall suffer death, or such other punishment as by a court martial shall be inflicted.

Knowledge of intended mutiny.

Art. 8. Any officer, noncommissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by the sentence of a court martial with death, or otherwise, according to the nature of his offence.

Striking or disobeying superior officer.

Art. 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court martial.

These articles to be read to recruits.

Art. 10. Every noncommissioned officer or soldier, who shall enlist himself in the service of the United States, shall, at the time of his so enlisting, or within six days afterwards, have the articles for the government of the armies of the United States, read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer

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of the army, or where recourse cannot be had to the civil magistrate, before the judge advocate, and in his presence, shall take the following oath or affirmation: "I, A B, do solemnly swear, or affirm, (as the case may be,) that I will bear true allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies or opposers whatsoever; and observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States." Which justice, magistrate, or judge advocate, is to give the officer a certificate, signifying that the man enlisted, did take the said oath or affirmation.

Oath of the recruit.

Discharge of noncommissioned officers and soldiers.

Art. 11. After a noncommissioned officer or soldier, shall have been duly enlisted and sworn, he shall not be dismissed the service, without a discharge in writing; and no discharge granted to him shall be sufficient, which is not signed by a field officer of the regiment to which he belongs, or commanding officer, where no field officer of the regiment is present; and no discharge shall be given to a noncommissioned officer or soldier, before his term of service has expired, but by order of the President, the Secretary of War, the commanding officer of a department, or the sentence of a general court martial; nor shall a commissioned officer be discharged the service, but by order of the President of the United States, or by sentence of a general court martial.

Discharge of officers.

Furloughs to noncommissioned officers and soldiers.

Art. 12 Every colonel, or other officer commanding a regiment, troop, or company, and actually quartered with it, may give furloughs to noncommissioned officers or soldiers, in such

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numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; and a captain, or other inferior officer, commanding a troop or company, or in any garrison, fort, or barrack, of the United States, (his field officer being absent,) may give furloughs to noncommissioned officers or soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, excepting some extraordinary occasion should require it.

Certificate respecting those who are absent at time of muster.

Art. 13. At every muster, the commanding officer of each regiment, troop, or company, there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop, or company, certificates signed by himself, signifying how long such officers as shall not appear at the said muster, have been absent, and the reason of their absence. In like manner, the commanding officer of every troop or company, shall give certificates, signifying the reasons of the absence of the noncommissioned officers and private soldiers; which reasons, and time of absence, shall be inserted in the muster rolls, opposite the name of the respective absent officers and soldiers. The certificates shall, together with the muster rolls, be remitted by the commissary of musters, or other officer mustering, to the Department of War, as speedily as the distance of the place will admit.

False certificates respecting absentees.

Art. 14. Every officer who shall be convicted before a general court martial, of having signed a false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

False musters.

Art. 15. Every officer who shall knowingly make a false muster of man or horse, and every

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officer or commissary of musters, who shall willingly sign, direct, or allow the signing of muster rolls, wherein such false muster is contained, shall, upon proof made thereof, by two witnesses before a general court martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Mustering officer accepting any thing by way of gratification.

Art. 16. Any commissary of musters, or other officer, who shall be convicted of having taken money, or other thing, by way of gratification, on mustering any regiment, troop, or company, or on signing muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Mustering any person not a soldier.

Art. 17. Any officer who shall presume to muster a person as a soldier, who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

False returns.

Art. 18. Every officer who shall knowingly make a false return to the Department of War, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop, or company, or garrison, under his command, or of the arms, ammunition, clothing, or other stores thereunto belonging, shall, on conviction thereof before a court martial, be cashiered.

Monthly returns to be made.

Art. 19. The commanding officer of every regiment, troop, or independent company, or garrison, of the United States, shall, in the beginning of every month, remit, through the proper channels, to the Department of War, an exact return of the regiment, troop, independent company, or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for,

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and the time of, their absence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished according to the nature of his crime, by the judgment of a general court martial.

Desertion.

Art. 20. All officers and soldiers who have received pay, or have been duly enlisted in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as by sentence of a court martial shall be inflicted.

Absence without leave.

Art. 21. Any noncommissioned officer or soldier who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court martial.

No person shall re-enlist without first obtaining a regular discharge.

Art. 22. No noncommissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such noncommissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, the said officer shall, by a court martial, be cashiered

Advising desertion.

Art. 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court martial.

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Reproachful speeches.

Art. 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer.

Duelling.

Art. 25. No officer or soldier shall send a challenge to another officer or soldier, to fight a duel, or accept a challenge, if sent, upon pain, if a commissioned officer, of being cashiered; if a noncommissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court martial.

Officers commanding guards, suffering persons to go forth to fight, and also seconds, to be deemed principals.

Art. 26. If any commissioned or noncommissioned officer, commanding a guard, shall knowingly or willingly suffer any person whatsoever, to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters, and carriers of challenges, in order to duels, shall be deemed principals, and punished accordingly. And it shall be the duty of every officer commanding an army, regiment, company, post, or detachment, who is knowing to a challenge being given or accepted, by any officer, noncommissioned officer or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

Commanding officer to arrest all persons intending to fight a duel.

All officers to part and quell quarrels and disorders.

Art. 27. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop, or company; and either to order officers into arrest, or noncommissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer, (though of an inferior rank,) or shall draw his sword

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upon him, shall be punished at the discretion of a general court martial.

Officer or soldier upbraiding another for refusing to fight, to be punished as a challenger.

Art. 28. Any officer or soldier who shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace, or opinion of disadvantage which might arise, from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers, who subject themselves to discipline.

Sutlers keeping open shops at improper times.

Art. 29. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open, for the entertainment of soldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during divine service or sermon, on the penalty of being dismissed from all future suttling.

Sutlers to supply good articles, and at reasonable prices.

Art. 30. All officers, commanding in the field, forts, barracks, or garrisons, of the United States, are hereby required to see that the persons permitted to suttle, shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

Officers not to make or suffer any exactions on sutlers, nor to be interested in the sale of any articles for the use of the soldiers.

Art 31. No officer, commanding in any of the garrisons, forts, or barracks, of the United States, shall exact exorbitant prices for houses or stalls, let out to sutlers, or connive at the like exactions in others; nor by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors, or other necessaries of life, brought into the garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

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Officers commanding shall keep good order, redress all abuses, grievances, and disorders.

Art. 32. Every officer, commanding in quarters, garrisons, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders, which may be committed by any officer or soldier under his command; if, upon complaint made to him, of officers or soldiers beating, or otherwise ill treating any person; of disturbing fairs or markets, or of committing any kinds of riots, to the disquieting of the citizens of the United States, he, the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered, or otherwise punished, as a general court martial shall direct.

Officers or soldiers accused of crimes or of offences against citizens of the United States, to be delivered over upon application of civil magistrate.

Art. 33. When any commissioned officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the persons or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer, and officers of every regiment, troop, or company, to which the person or persons, so accused, shall belong, are hereby required, upon application duly made by, or in behalf of, the party or parties injured, to use their utmost endeavors to deliver over such accused person or persons, to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer or officers, shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person or persons, to the civil magistrates, or to be aiding and as-

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sisting to the officers of justice, in apprehending such person or persons, the officer or officers, so offending, shall be cashiered.

Complaints of officers thinking themselves wronged, to be examined into by commanding general.

Art. 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general commanding in the state or territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and to take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the Department of War, a true state of such complaint, with the proceedings had thereon.

Complaints of soldiers, thinking themselves wronged, to be examined into by regimental courts martial.

Art. 35 If any inferior officer or soldier, shall think himself wronged by his captain, or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court martial, for the doing justice to the complainant; from which regimental court martial either party may, if he thinks himself still aggrieved, appeal to a general court martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person so appealing, shall be punished at the discretion of the said court martial.

Embezzlement, waste or neglect of public property.

Art. 86. Any commissioned officer, storekeeper, or commissary, who shall be convicted at a general court martial, of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores, belonging to the United States, to be spoiled or damaged, shall, at his own expense, make good

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the loss or damage, and shall, moreover, forfeit all his pay, and be dismissed from the service.

Neglect or waste of ammunition.

Art 37. Any noncommissioned officer or soldier, who shall be convicted at a regimental court martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

Sale, loss, or damage of horse, arms, clothing, or accoutrements.

Art. 38. Every noncommissioned officer or soldier who shall be convicted before a court martial of having sold, lost, or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay) as such court martial shall judge sufficient, for repairing the loss or damage; and shall suffer confinement, or such other corporeal punishment as his crime shall deserve

Embezzlement or misapplication of public moneys.

Art. 39. Every officer who shall be convicted before a court martial, of having embezzled, or misapplied, any money with which he may have been entrusted, for the payment of the men under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a noncommissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court martial shall direct.

Captains of companies accountable for the arms, &c. of their companies.

Art. 40. Every captain of a troop, or company, is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores, belonging to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled,

or damaged, not by unavoidable accidents, or on actual service.

Noncommissioned officers and soldiers found one mile from camp without written permission

Art. 41. All noncommissioned officers and soldiers who shall be found one mile from the camp, without leave in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court martial.

No officer or soldier to lie out of his qrs. without leave.

Art. 42. No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court martial.

Noncommissioned officers and soldiers to retire at retreat beating.

Art. 43. Every noncommissioned officer and soldier shall retire to his quarters or tent, at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

Officers or soldiers neglecting to appear on parade or exercise, or quitting the same without leave.

Art. 44. No officer, noncommissioned officer, or soldier, shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous, appointed by his command ing officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished according to the nature of his offence, by the sentence of a court martial.

Drunkenness on duty.

Art. 45. Any commissioned officer who shall be found drunk on his guard, party, or other duty, shall be cashiered Any noncommissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court martial.

Sleeping on post.

Art. 46. Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death,

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or such other punishment as shall be inflicted by the sentence of a court martial.

Soldier hiring another to do his duty.

Art. 47. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the discretion of a regimental court martial.

Officers and noncommissioned officers conniving at, or allowing, hiring of duty.

Art. 48. And every noncommissioned officer conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer, knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court martial.

Officers occasioning false alarms.

Art. 49. Any officer belonging to the service of the United States, who, by discharging of fire arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms, in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Officer or soldier quitting his guard or platoon, without leave.

Art. 50. Any officer or soldier, who shall, without urgent necessity, or without the leave of his superior officer, quit his guard, platoon, or division, shall be punished according to the nature of his offence, by the sentence of a court martial.

Violence to persons bringing provisions or other necessaries into camp.

Art. 51. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison, or quarters, of the forces of the United States, employed in any parts out of the said states, upon pain of death, or such other punishment as a court martial shall direct.

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Misbehaviour before the enemy.

Art. 52. Any officer or soldier who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post, or guard, which he or they may be commanded to defend, or speak words inducing others to do the like; or shall cast away his arms and ammunition, or who shall quit his post or colours to plunder and pillage; every such offender, being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Giving watch word to persons not entitled thereto, or giving parole or watch word different from the one received.

Art. 53. Any person, belonging to the armies of the United States, who shall make known the watch word to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watch word different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Officers and soldiers to behave orderly; not to commit waste in enclosures, or injure property of inhabitants of the United States.

Art. 54. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste, or spoil, either in walks of trees, parks, warrens, fish ponds, houses, or gardens, corn-fields, enclosures of meadows, or shall maliciously destroy any property whatsoever, belonging to the inhabitants of the United States, unless by order of the then commander in chief of the armies of the said states, shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court martial.

Forcing safeguard.

Art. 55 Whosoever belonging to the armies of the United States, employed in foreign parts, shall force a safe guard, shall suffer death.

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Relieving or harboring an enemy.

Art. 56. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

Holding correspondence with, or giving intelligence to, the enemy.

Art. 57. Whosoever shall be convicted of holding correspondence with, or giving intelligence to, the enemy, either directly, or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

Public stores taken from the enemy, to be secured for the United States.

Art. 58. All public stores, taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage, or provisions, shall be secured for the service of the United States; for the neglect of which, the commanding officer is to be answerable.

Compelling a commanding officer to give up to the enemy.

Art. 59. If any commander of any garrison, fortress, or post, shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, noncommissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court martial.

Sutlers and retainers to the camp, subject to orders.

Art. 60. All sutlers and retainers to the camp, and all persons whatsoever, serving with the armies of the United States, in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Brevets and former commissions.

Art. 61 Officers having brevets, or commissions of a prior date to those of the regiment in which they serve, may take place in courts martial and on detachments, when composed of different corps, according to the ranks given them in their brevets, or dates of their former commissions; but in the regiment, troop, or

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company, to which such officers belong, they shall do duty, and take rank, both in courts martial and on detachments which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

Different corps on duty together, the officer highest in rank to command.

Art. 62. If, upon marches, guards, or in quarters, different corps of the army shall happen to join, or do duty together, the officer highest in rank, of the line of the army, marine corps, or militia, by commission, there on duty, or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President of the United States, according to the nature of the case.

Engineers—their privileges and duties.

Art. 63. The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on any duty beyond the line of their immediate profession, except by the special order of the President of the United States; but they are to receive every mark of respect to which their rank in the army may entitle them respectively, and are liable to be transferred, at the discretion of the President, from one corps to another, regard being paid to rank.

General courts martial

Art. 64. General courts martial may consist of any number of commissioned officers, from five to thirteen inclusively; but they shall not consist of less than thirteen, where that number can be convened without manifest injury to the service.

General courts martial

Art. 65. Any general officer commanding an army, or colonel commanding a separate department, may appoint general courts martial whenever necessary. But no sentences of a

court martial shall be carried into execution until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being, neither shall any sentence of a general court martial, in time of peace, extending to the loss of life, or the dismission of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution, until after the whole proceeding shall have been transmitted to the Secretary of War, to be laid before the President of the United States, for his confirmation or disapproval, and orders in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

Regimental courts martial

Art. 66. Every officer commanding a regiment or corps, may appoint, for his own regiment or corps, courts martial, to consist of three commissioned officers, for the trial and punishment of offences, not capital, and decide upon their sentences. For the same purpose, all officers commanding any of the garrisons, forts, barracks, or other places, where the troops consist of different corps, may assemble courts martial, to consist of three commissioned officers, and decide upon their sentences.

Powers of regimental courts martial

Art. 67. No garrison or regimental court martial shall have the power to try capital cases, or commissioned officers, neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labor, any noncommissioned officer or soldier, for a longer time than one month.

Marine officers may be associated

Art. 68. Whenever it may be found convenient and necessary to the public service, the

officers of the marines shall be associated with the officers of the land forces, for the purpose of holding courts martial and trying offenders belonging to either; and in such cases, the orders of the senior officer, of either corps, who may be present, and duly authorized, shall be received and obeyed. With the army on courts martial.

Art. 69. The judge advocate, or some person deputed by him or by the general, or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself; and administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts martial: Duties of judge advocates.

"You, A B, do swear, that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America, and the prisoner to be tried, and that you will duly administer justice, according to the provisions of 'An act establishing rules and articles for the government of the armies of the United States,' without partiality, favor, or affection; and if any doubt shall arise, not explained by said articles, according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear, that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court Oath of the members of a court martial.

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martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God."

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words:

Oath of judge advocate.

"You, A B, do swear, that you will not disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law; nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God."

Prisoner refusing to plead.

Art. 70 When a prisoner, arraigned before a general court martial, shall, from obstinacy and deliberate design, stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment, as if the prisoner had regularly pleaded not guilty.

Challenge to a member.

Art. 71. When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time, shall be received by the court.

Members in giving votes to begin with the youngest.

Art. 72. All the members of a court martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission.

Art. 73 All persons who give evidence before a court martial, are to be examined on oath or affirmation, in the following form:

Oath of a witness.

"You swear, or affirm, (as the case may be,) the evidence you shall give in the cause now in

hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

Deposition of witnesses.

Art. 74. On the trials of cases not capital, before courts martial, the deposition of witnesses, not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence; provided the prosecutor and person accused are present at the taking the same, or are duly notified thereof.

Officers not to be tried but by general court martial: proceedings not to be carried on, except between 8 A. M. and 3 P. M.

Art. 75. No officer shall be tried, but by a general court martial, nor by officers of an inferior rank, if it can be avoided: Nor shall any proceedings or trials be carried on, excepting between the hours of eight in the morning, and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court martial, require immediate example.

No person shall use menacing words or gestures, or disturb a court martial.

Art. 76. No person whatsoever shall use any menacing words, signs, or gestures, in presence of a court martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished, at the discretion of the said court martial.

Arrests of officers.

Art. 77. Whenever any officer shall be charged with a crime, he shall be arrested and confined in his barracks, quarters, or tent, and deprived of his sword, by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered.

Arrest or confinement of noncommissioned officers or soldiers.

Art. 78. Noncommissioned officers and soldiers, charged with crimes, shall be confined until tried by a court martial, or released by proper authority.

Persons in arrest, not to be kept in confinement more than 8 days.

Art. 79. No officer or soldier who shall be put in arrest, shall continue in confinement more than eight days, or until such time as a court martial can be assembled.

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Officer of a guard or provost marshal to receive and keep prisoners.

Art. 80. No officer commanding a guard, or provost marshal, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged

Prisoners not to be released without proper authority.

Art. 81. No officer commanding a guard, or provost marshal, shall presume to release any person committed to his charge, without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court martial.

Names of prisoners to be reported to the commanding officer.

Art. 82. Every officer or provost marshal, to whose charge prisoners shall be committed, shall, within twenty four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court martial.

Conduct unbecoming an officer and a gentleman.

Art 83. Any commissioned officer, convicted before a general court martial of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

Suspension.

Art. 84. In cases where a court martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heniousness of the offence.

The name and crime of officers, cashiered for cowardice

Art. 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, and place of abode, and punishment of

the delinquent, be published in the newspapers, in and about the camp, and of the particular state from which the offender came, or where he usually resides, after which it shall be deemed scandalous for an officer to associate with him.

or frauds, to be published in the newspapers.

Art. 86. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or detachment, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

Cases where there is not a sufficient number of officers to form a general court martial.

Art. 87. No person shall be sentenced to suffer death, but by the concurrence of two thirds of the members of a general court martial, nor except in the cases herein expressly mentioned; *nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court martial;** and no officer, noncommissioned officer, soldier, or follower of the army, shall be tried a second time for the same offence.

Sentences of death to have the concurrence of two-thirds of the members.

No person tried a 2d time for same offence.

Art. 88. No person shall be liable to be tried and punished by a general court martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself, or some other manifest impediment, shall not have been amenable to justice within that period.

No person to be tried for offence committed more than two years.

Art. 89. Every officer authorized to order a general court martial, shall have power to par-

Officers authorized to order

* Punishment by stripes or lashes abolished. See section 7, act of May 16, 1812, page 31.

a court martial, may pardon, mitigate, or suspend, its sentences.

don or mitigate any punishment ordered by such court, except the sentence of death, or of cashiering an officer; which, in the cases where he has authority (by article 65) to carry them into execution, he may suspend, until the pleasure of the President of the United States can be known; which suspension, together with copies of the proceedings of the court martial, the said officer shall immediately transmit to the President for his determination. And the colonel or commanding officer of the regiment or garrison, where any regimental or garrison court martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

Judge advocates of general courts martial, to transmit, proceedings and sentences to the Secretary of War.

Art. 90. Every judge advocate, or person officiating as such, at any general court martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court martial, to the Secretary of War; which said original proceedings and sentence shall be carefully kept and preserved in the office of said Secretary, to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof

Party tried, entitled to a copy of the proceedings.

The party tried by any general court martial, shall, upon demand thereof, made by himself, or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court martial.

Courts of inquiry.

Art 91. In cases where the general or commanding officer may order a court of inquiry to examine into the nature of any transaction, accusation, or imputation, against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge

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advocate, or other suitable person, as a recorder, to reduce the proceedings and evidence to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

Courts of inquiry.

Art. 92. The proceedings of a court of inquiry, must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer, and the said proceedings may be admitted as evidence by a court martial, in cases not capital, or extending to the dismission of an officer, provided that the circumstances are such, that oral testimony cannot be obtaind. But as courts of inquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the United States, or demanded by the accused.

Prohibited, unless directed by the President, or demanded by the accused.

Art. 93. The judge advocate, or recorder, shall administer to the members the following oath:

Oath of members of court of inquiry.

"You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God."

After which the president shall administer to the judge advocate, or recorder, the following oath:

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Oath of the recorder.

" You, A B, do swear, that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing. So help you God."

Oath of witness.

The witnesses shall take the same oath as witnesses sworn before a court martial.

An inventory of the effects of any officer who shall die, to be made & transmitted to the War Office.

Art. 94. When any commissioned officer shall die or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, or in any post or garrion, the second officer in command, or the assistant military agent, shall immediately secure all his effects or equipage, then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the Department of War, to the end, that his executors or administrators may receive the same.

An inventory of the effects of any non-commissioned officer or soldier who shall die, to be made and transmitted to the War Office.

Art. 95. When any noncommissioned officer or soldier shall die or be killed in the service of the United States, the then commanding officer of the troop or company, shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the Department of War; which said effects are to be accounted for, and paid to the representatives of such deceased noncommissioned officer or soldier. And in case any of the officers, so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment or post, by preferment, or otherwise, they shall, before they be permitted to quit the same, deposite in the hands of the commanding officer, or of the as-

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sistant military agent, all the effects of such deceased noncommissioned officers and soldiers, in order that the same may be secured for, and paid to, their respective representatives.

All persons whatever in the artillery or engineers, subject to these rules and articles.

Art. 96. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay or hire, in the service of the artillery or corps of engineers of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

Militia, and others, in pay of the United States, subject to these rules and articles—but to be tried by militia officers.

Art. 97. The officers and soldiers of any troops, whether militia or others, being mustered and in pay of the United States, shall, at all times, and in all places, when joined, or acting in conjunction, with the regular forces of the United States, be governed by these rules and articles of war, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers in the regular forces; save, only, that such courts martial shall be composed entirely of militia officers.

Militia officers to take rank next after all officers of the same grade in the army.

Art. 98. All officers, serving by commission from the authority of any particular state, shall, on all detachments, courts martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, take rank, next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or state officers may be elder than the commissions of the officers of the regular forces of the United States.

Crimes, not capital, and all disorders and neglects, that not herein.

Art. 99. All crimes, not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in

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mentioned. to be taken cognizance of.

the foregoing articles of war, are to be taken cognizance of by a general or regimental court martial, according to the nature and degree of the offence, and be punished at their discretion.

President to prescribe the uniform.

Art. 100. The President of the United States shall have power to prescribe the uniform of the army.

These articles to be read every six months.

Art. 101. The foregoing articles are to be read and published once in every six months, to every garrison, regiment, troop, or company, mustered or to be mustered in the service of the United States, and are to be duly observed and obeyed, by all officers and soldiers who are, or shall be, in said service.

Persons, not citizens, lurking as spies.

Sec. 2. *And be it further enacted*, That in time of war, all persons, not citizens of, or owing allegiance to, the United States of America, who shall be found lurking as spies, in or about the fortifications or encampments of the armies of the United States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court martial.

Repealing clause.

Sec. 3. *And be it further enacted*, That the rules and regulations, by which the armies of the United States have heretofore been governed, and the resolves of Congress thereunto annexed, and respecting the same, shall henceforth be void and of no effect, except so far as may relate to any transactions under them, prior to the promulgation of this act, at the several posts and garrisons respectively, occupied by any part of the army of the United States.

[*Approved, April* 10, 1806.]

Extract of An Act passed 16th May, 1812.

Sec. 7. *And be it further enacted*, That so much of the "Act for establishing rules and articles for the government of the armies of the United States," as authorizes the infliction of corporeal punishment, by stripes or lashes, be, and the same is hereby, repealed.

Punishment by stripes or lashes abolished.

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MILITARY COMMISSIONS.

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HEADQUARTERS, DEPARTMENT OF THE MISSOURI,

JUDGE ADVOCATE'S OFFICE,

St. Louis, November 25th, 1863.

During the six months endnig the first ult., there were reviewed at these Head Quarters three hundred and eighty-four records of cases tried before Military Commissions in this Department. Cases of this kind are likely to be quite numerous for some time. With the hope of affording some assistance to members of Military Commissions and Judge Advocates, in the performance of their responsible duties, I have prepared for publication this collection of the more important General Orders, laws and rules, relating to the organization, jurisdiction, powers, duties and proceedings of Military Commissions.

Most of the rules will be found applicable, also, to the proceedings of Courts Martial.

W. M. DUNN,
Major and Judge Advocate.

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MILITARY COMMISSIONS.

Military jurisdiction is of two kinds: first, that which is conferred and defined by Statute; second, that which is derived from the common law of war. Military offenses under the statute law, must be tried in the manner therein directed; but military offenses, which do not come within the statute, must be tried and punished under the common law of war. Courts Martial have jurisdiction of the former class of offenses, Military Commissions of the latter[1]. These Courts have concurrent jurisdiction of certain offenses, as will be seen by reference to the Acts of Congress, hereinafter published.

Military Commissions, in this Department, are constituted and their powers and duties defined by the following General Orders and laws:

I.

DEPARTMENT OF THE MISSOURI,
January 1, 1862.

GENERAL ORDERS, No. 1.

I.....In carrying on war in a portion of country occupied or threatened to be attacked by an enemy, whether within or without the territory of the United States, crimes and military offenses are frequently committed, which are not triable or punishable by courts martial, and which are not within the jurisdiction of any existing civil court. Such cases, however, must be investigated, and the guilty parties punished. The good of society and the safety of the army imperiously demand this. They must, therefore, be taken cognizance of by the military power; but, except in cases of extreme urgency, a mili-

1 General Orders, War Dept., 1863, No 100, § 13.

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tary commander should not himself attempt to decide upon the guilt or innocence of individuals. On the contrary, it is the usage and custom of war among all civilized nations, to refer such cases to a duly constituted military tribunal, composed of reliable officers, who, acting under the solemnity of an oath, and the responsibility always attached to a court of record, will examine witnesses, determine the guilt or innocence of the parties accused, and fix the punishment. This is usually done by courts martial; but in our country these courts have a very limited jurisdiction, both in regard to persons and offenses. Many classes of persons cannot be arraigned before such courts for any offense whatsoever, and many crimes committed, even by military officers, enlisted men or camp-retainers, cannot be tried under the "Rules and Articles of War." Military commissions must be resorted to for such cases, and these commissions should be ordered by the same authority, be constituted in a similar manner, and their proceedings be conducted according to the same general rules, as courts martial, in order to prevent abuses which might otherwise arise.

II.....As much misapprehension has arisen in this Department in relation to this subject, the following rules are published for the information of all concerned:

1st. Military commissions can be ordered only by the General-in-Chief of the Army, or by the Commanding Officer of the Department, and the proceedings must be sent to Headquarters for revision.

2d. They will be composed of not less than three members, one of whom will act as Judge Advocate and Recorder, where no officer is designated for that duty. A larger number will be detailed where the public service will permit.

3d. All the proceedings will be recorded and signed by the President, and Judge Advocate and Recorder, as in the case of courts martial. These proceedings will be governed by the same rules as courts martial, so far as they may be applicable.

4th. Civil offenses cognizable by civil courts, whenever such loyal courts exist, will not be tried by a military commission. It should, therefore, be stated in every application for a commission, whether or not there is any loyal civil court to which the civil offenses charged can be referred for trial. It must be observed, however, that many offenses which in time of peace are civil offenses, become in time of war military offenses, and are to be tried by a military tribunal, even in places where civil tribunals exist.

5th. No case which, by the Rules and Articles of War, is triable by a court martial will be tried by a military commission. Charges,

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therefore, preferred against prisoners before a military commission should be "Violation of the Laws of War," and never "Violation of the Rules and Articles of War," which are statutory provisions defining and modifying the general laws of war, in particular cases, and in regard to particular persons and offenses. They do not apply to cases not embraced in the statute; but all cases so embraced must be tried by a court martial. In other cases we must be governed by the general code of war.

6th. Treason, as a distinct offense, is defined by the Constitution, and must be tried by courts duly constituted by law; but certain acts of a treasonable character, such as conveying information to the enemy, acting as spies, etc., are military offenses, triable by military tribunals, and punishable by military authority.

7th. The fact that those persons who are now carrying on hostilities against the lawful authorities of the United States are rebels and traitors to the Government, does not deprive them of any of the rights of war, so far as the military authorities are concerned. In our intercourse with the duly authorized forces of the so-called "Confederate States," and in the treatment of prisoners of war taken from such forces, we must be governed by the usages and customs of war in like cases. But the rights so given to such prisoners by the laws of war, do not, according to the same code, exempt them from trial and punishment by the proper courts for treason or other offenses against the Government. The rights which they may very properly claim as belligerents, under the general rules of belligerent intercourse—*commercia belli*—cannot exempt them from the punishment to which they may have subjected themselves as citizens, under the general laws of the land.

8th. Again, a soldier duly enrolled and authorized to act in a military capacity in the enemy's service, is not, according to the code military, individually responsible for the taking of human life in battle, siege, etc., while, at the same time, he *is* held individually responsible for any act which he may commit in violation of the laws of war; thus, he cannot be punished by a military tribunal for committing acts of hostility which are authorized by the laws of war, but if he has committed murder, robbery, theft, arson, etc., the fact of his being a prisoner of war does not exempt him from trial by a military tribunal.

9th. And again, while the code of war gives certain exemptions to a soldier regularly in the military service of an enemy, it is a well established principle, that insurgents, not militarily organized under the laws of the State, predatory partizans, and guerrilla bands, are not entitled to such exemptions; such men are not legitimately in

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arms, and the military name and garb which they have assumed cannot give a military exemption to the crimes which they may commit. They are, in a legal sense, mere freebooters and banditti, and are liable to the same punishment which was imposed upon guerrilla bands by Napoleon in Spain, and by Scott in Mexico.

II.

DEPARTMENT OF THE MISSISSIPPI,
March 13th, 1862.

GENERAL ORDERS No. 2.

* * * * * * * * * *

2.....It must, however, be borne in mind, that in all places subject to the incursions of the enemy, or to the depredations of insurgents and guerrilla bands, the military are authorized, without any formal declaration of martial law, to adopt such measures as may be necessary to restore the authority of the Government, and to punish all violations of the laws of war. This power will be exercised only where the peace of the country and the success of the Union cause absolutely require it.

3.....Evidence has been received at these Headquarters, that Major General Sterling Price has issued commissions or licenses to certain bandits in this State, authorizing them to raise "Guerrilla forces" for the purpose of plunder and marauding. General Price ought to know that such a course is contrary to the rules of civilized warfare, and that every man that enlists in such an organization forfeits his life, and becomes an outlaw. All persons are hereby warned that if they join any guerrilla band, they will not, if captured, be treated as ordinary prisoners of war, but will be hung as robbers and murderers. Their lives shall atone for the barbarity of their General

III.

DEPARTMENT OF THE MISSISSIPPI,
March 30th, 1862.

GENERAL ORDERS, No. 13.

1.....Commanders of Army Corps, Divisions and Brigades, and of Military Districts where their commands are equal to a brigade, are authorized to order military commissions to try offenses against the laws of war, which are not triable by General Court Martial. But all sentences of such commissions extending to loss of life, or confiscation of property, or imprisonment exceeding the term of thirty days, must be confirmed by the Commanding General of the Department

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IV.

DEPARTMENT OF THE MISSOURI,
October 17*th*, 1862.

GENERAL ORDERS, No. 8.

I.....WHEREAS, the eighth section of "Regulations Concerning Internal and Coastwise Intercourse," promulgated by the Secretary of the Treasury, on the 28th day of August, 1862, declares that "no permit shall be granted to ship intoxicating drinks, or other thing prohibited by the military authorities, into territory occupied by the military forces of the United States, except upon the written request of the Commandant of the *Department* in which such territory is embraced, or of some persons duly authorized by him to make such request;" and whereas, in addition to intoxicating drinks, the article of salt, quinine, morphine, chloroform, quicksilver, and munitions of war generally, are, by military authority, prohibited unrestricted transportation in the Department of the Missouri; now, therefore, the following persons, and such others as may, from time to time, be named and published from these Headquarters, are designated to make such request for the transportation of the articles specified, or either of them, of the duly appointed officers of the Treasury Department, viz.: * * * * * * * *

No permit will be granted to disloyal persons to trade as consignor or consignee. And in no case is it intended to allow persons or trade to go beyond the lines of our army.

II.....And whereas, the free access of soldiers to intoxicating drinks is, from the very nature of the service, ruinous in its tendencies, and the high prices of such drinks, in the vicinity of posts or encampments, offer temptations to smuggling enterprises, which too often succeed, and involve the innocent with the guilty; therefore, in order to protect the army from the demoralizing effects of intoxication, and unoffending parties from the danger of having their property confiscated for the unlawful acts of those who abuse the confidence reposed in them, or of those who commit such acts at times and under circumstances which render them almost impossible of immediate detection, and for the purpose of inflicting punishment on the really guilty, the following rules are established, viz.:

1st. No wines, spiritous liquors, ales, porter or beer, or other article enumerated in the first section of this order, shall be shipped upon any boat or other vehicle leaving or arriving at any Post in this Military Department, without first procuring a regular Custom House permit for such shipment, issued upon request of one of the officers above designated.

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2d. Every person who shall violate the foregoing rule, or attempt to violate the same, and every person who shall in any way aid or abet the violation of said rule, or aid or abet any attempts to violate the same, shall be deemed guilty of a military offense, and subject to arrest and trial, and punishment by a Military Commission; and if the party so offending is a steamboat owner, merchant, barkeeper or manufacturer of, or dealer in, any of the articles enumerated in the first section of this Order, his or their whole stock in trade shall be seized and forfeited, in addition to the punishment inflicted by such Military Commission.

V.

DEPARTMENT OF THE MISSOURI,
February 7th, 1863.

GENERAL ORDERS, No. 12.

1.....District commanders are authorized to convene Military Commissions, the duties, purposes and jurisdiction of which are set forth by Major General Halleck, in General Orders No. 1, January 1st, 1862. But all sentences of such Commissions, extending to loss of life, banishment, confiscation of property, or imprisonment exceeding the term of thirty days, must be confirmed by the Commanding General of the Department, (or higher authority,) and no case which, by the rules and articles of war, is triable by a General Court Martial will be tried by a Military Commission. Hereafter, no punishment such as above mentioned will be imposed by any commander within this Department except by sentence of a Court Martial or Military Commission.

2.....District commanders, where their commands are equal to a brigade, may also (as commanding separate brigades) convene General Courts Martial. Such commanders will select a suitable officer from those under their command, (a lieutenant, if possible,) to be detailed from these Headquarters, and assigned to duty at the Headquarters of the District as Judge Advocate.

3.....It will be the duty of the District Judge Advocate to revise charges and specifications, and see that they are technically correct, before submitting them for trial to a General Court Martial or Military Commission; and to draw up proper charges and specifications for trial in any case that may be submitted to him by his commanding officer. He will also report by letter, and from time to time, as circumstances seem to require, for instructions, to the Judge Advocate at these Headquarters.

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4.....Commanding Officers and Provost Marshals will make it a special duty to ascertain, as far as possible, all cases of violations of the rules and articles of war, and of the *laws of war*, in their respective districts or sections, such as of spies, disloyal persons, guerrillas, and individuals that have violated oaths of allegiance or paroles, (in case there be such,) and will report them to the commanding officer of the district, who will cause their arrest, imprisonment and trial as hereinbefore set forth. It is believed that a great number of persons within our lines are carrying on treasonable correspondence with the enemy, rendering him all the aid and comfort in their power, and themselves amenable to the articles of war as spies. Doubtless, also, numerous, regularly employed spies of the enemy frequent our camps and cities. Such persons, whether male or female, old or young, will be brought to trial, and the strict severity of military law administered as soon as practicable.

5.....As the rebel forces retire, and civil authority resumes its proper functions, many offenses may be turned over to the courts of law for trial. This relates to offenses that are both military and civil, but the right to a more summary proceeding by military power cannot be relinquished during a state of war.

VI.

DEPARTMENT OF THE MISSOURI,
April 22d, 1863.

GENERAL ORDERS, No. 30.

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8.....The laws of war apply equally to all portions of our country while war exists, and they will be obeyed in all parts of this Department. To secure prompt trial and punishment, District and Corps Commanders will have Courts and Commissions always ready to act summarily, when occasion requires prompt punishment. Courts and Commissions may be designated to accompany detached expeditions; the persons composing such Courts not to be excused from field duty, except when actually trying a cause. When it is expedient, criminals will be turned over to the civil tribunals; but civil tribunals must not be used to embarrass or prevent military operations. When officers or soldiers transgress, they should be reported to superiors, who are required to redress wrongs inflicted on loyal and peaceable citizens, by turning the transgressor over to civil or military authority.

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VII.

DEPARTMENT OF THE MISSOURI,
July 9th, 1863.

GENERAL ORDERS, No. 65.

1.....Whenever any District or Assistant Provost Marshal shall obtain information that any person living or owning property within his jurisdiction, has taken the oath of allegiance, and given bond to the military authorities for his loyal conduct, and that he has violated any of the conditions of such oath and bond, such Provost Marshal shall at once proceed, by examination of witnesses under oath, to ascertain the facts in the case. If, upon such examination, probable guilt be found against the party, he will be arrested, if possible; if not, the sureties on the bond will be notified; and, in either case, the facts, and names of witnesses by whom they can be proven, will be submitted to the Commander of the District, that the case may be brought for trial before a Military Commission.

If the accused party escape, or evade arrest, or be without the reach of the military authorities, all his personal property will be seized and held subject to the finding and sentence of the Military Commission.

II.....When proceedings shall be instituted against any person for violation of oath, or the conditions of his bond, the securities in the bond shall be notified of the fact, in order that they may take the necessary steps for their own protection. If the securities request it, the personal property of the accused will be seized at the commencement of proceedings, even though the accused be in custody. In any other case no seizure will take place until after the guilt of the prisoner shall be established. All such proceedings of Military Commissions will be forwarded to Department Head Quarters, in accordance with existing orders, for the action of the Commanding General.

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VIII.

DEPARTMENT OF THE MISSOURI,
August 25th, 1863.

GENERAL ORDERS, No. 86.

Large numbers of men are leaving the broken rebel armies in the Mississippi Valley, and returning to Missouri. Many of them doubtless come back with the purpose of following a career of plunder and murder, under the form of guerrilla warfare, while others would gladly return to their homes as peaceable citizens, if permitted to do so, and protected from violence.

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The State is in danger of a repetition of the scenes of violence and bloodshed which characterized the months of July and August, 1862. The united efforts of all loyal and peaceably disposed citizens, as well as of the troops of this Department, will be required to avert this evil.

It is the desire of the Commanding General that all those who voluntarily abandon the rebel cause, and desire to return to their allegiance to the United States, shall be permitted to do so, under such restrictions as the public peace shall require. All such persons may surrender themselves and their arms at the nearest military post, and will be released upon taking the oath of allegiance, and giving bond for their future good conduct. They will be required to reside in such portion of Missouri or other State as the Provost Marshal who releases them shall direct.

All who shall fail to comply with these conditions, and shall remain within our lines without renewing their allegiance, will be treated as criminals according to the laws of war. Those who shall engage in robbery, murder, or other similar crimes, will be exterminated without mercy.

Humanity demands of every citizen active and earnest co-operation with the military authorities, in putting down these common enemies of mankind. The Commanding General demands of every citizen the full discharge of his duty in this regard. Those who neglect it will be held responsible in their persons and property for the damage that may result from their neglect, and will be punished at the discretion of a Military Commission. If milder means shall fail, the Commanding General will order the destruction or seizure of all houses, barns, provisions, and other property belonging to disloyal persons in those portions of the State which are made the haunts of guerrillas.

IX.

DEPARTMENT OF THE MISSOURI,
September 17th, 1863.

GENERAL ORDERS, No. 96.

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Hereafter martial law will be rigidly enforced throughout this Department against all persons, who shall in any manner encourage mutiny, insubordination or disorderly conduct, or endeavor to create disaffection among troops, and against all persons who shall publish or utter publicly words calculated to excite insurrection or lawless acts among the people, or who shall publish falsehoods or misrepresentation of facts calculated to embarrass or weaken the military authorities, or in any manner to interfere with them in the discharge

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of their duties. Any person guilty of either of the offenses above mentioned shall be punished by fine and imprisonment at the discretion of a military commission, and any newspaper, which shall contain publications in violation of this order, will be suppressed.

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X.

DEPARTMENT OF THE MISSOURI,
September 28th, 1863.

GENERAL ORDERS, No. 101.

The right of the people to peaceably assemble for all lawful purposes, and the right to freely express their will at the polls according to law, are essential to civil liberty.

No interference with these rights, either by violence, threats, intimidation, or otherwise, will be tolerated.

Any commissioned officer who shall incite or encourage any interference with any lawful assemblage of the people, or who shall fail to do his utmost to prevent such interference, shall be dismissed the service; and any officer, soldier, or civilian, who shall, by violence, threats, or otherwise, actually interfere with any such lawful assemblage of the people, shall be punished by imprisonment, or otherwise, at the discretion of a Court Martial or Military Commission.

Any officer, soldier, or civilian, who shall attempt to intimidate any qualified voter in the exercise of his right to vote, or who shall attempt to prevent any qualified voter from going to the polls or voting, shall be punished by imprisonment, or otherwise, at the discretion of a Court Martial or Military Commission.

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XI.

AN ACT FOR ENROLLING AND CALLING OUT THE NATIONAL FORCES, AND FOR OTHER PURPOSES. Approved March 3d, 1863.

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SEC. 27. *And be it further enacted*, That depositions of witnesses residing beyond the limits of the State, Territory or District in which military courts shall be ordered to sit, may be taken in cases not capital by either party, and read in evidence; provided the same shall be taken upon reasonable notice to the opposite party, and duly authenticated.

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SEC. 28. *And be it further enacted*, That the Judge Advocate shall have power to appoint a reporter, whose duty it shall be to record the proceedings of, and testimony taken before military courts, instead of the Judge Advocate; and such reporter may take down such proceedings and testimony in the first instance in short-hand. The reporter shall be sworn or affirmed faithfully to perform his duty before entering upon it.

SEC. 29. *And be it further enacted*, That the court shall, for reasonable cause, grant a continuance to either party for such time and as often as shall appear to be just: *Provided*, That, if the prisoner be in close confinement, the trial shall not be delayed for a period longer than sixty days.

SEC. 30. *And be it further enacted*, That in time of war, insurrection, or rebellion, murder, assault and battery with intent to kill, manslaughter, mayhem, wounding or stabbing with an intent to commit murder, robbery, arson, burglary, rape, assault and battery with an intent to commit rape and larceny, shall be punishable by the sentence of a General Court Martial or military commission, when committed by persons who are in the military service of the United States, and subject to the articles of war; and the punishment for such offenses shall never be less than those inflicted by the laws of the State, Territory, or district in which they may have been committed.

* * * * * * * * * *

SEC. 38. *And be it further enacted*, That all persons who, in time of war or rebellion against the supreme authority of the United States, shall be found lurking or acting as spies in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be triable by a General Court Martial or military commission, and shall, upon conviction, suffer death.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CIVIL EXPENSES, &c.
Approved March 3d, 1863.

* * * * * * * * * *

SEC. 25. *And be it further enacted*, That every Judge Advocate of a Court Martial or Court of Inquiry, hereafter to be constituted, shall have power to issue the like process, to compel witnesses to appear and testify, which Courts of criminal jurisdiction within the State, Territory, or district where such military Courts shall be ordered to sit, may lawfully issue.

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XII.

WAR DEPARTMENT,
April 24th, 1863.

GENERAL ORDERS, No. 100.

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82. Men, or squads of men, who commit hostilities, whether by fighting, or inroads for destruction or plunder, or by raids of any kind, without commission, without being part and portion of the organized hostile army, and without sharing continuously in the war, but who do so with intermitting returns to their homes and avocations, or with the occasional assumption of the semblance of peaceful pursuits, divesting themselves of the character or appearance of soldiers—such men or squads of men, are not public enemies, and therefore, if captured, are not entitled to the privileges of prisoners of war, but shall be treated summarily as highway robbers and pirates.

83. Scouts or single soldiers, if disguised in the dress of the country or in the uniform of the army hostile to their own, employed in obtaining information, if found within or lurking about the lines of the captor, are treated as spies, and suffer death.

84. Armed prowlers, by whatever names they may be called, or persons of the enemy's territory, who steal within the lines of the hostile army for the purpose of robbing, killing, or of destroying bridges, roads, or canals, or of robbing or destroying the mail, or of cutting the telegraph wires, are not entitled to the privileges of the prisoner of war.

85. War-rebels are persons within an occupied territory who rise in arms against the occupying or conquering army, or against the authorities established by the same. If captured, they may suffer death, whether they rise singly, in small or large bands, and whether called upon to do so by their own, but expelled, government or not. They are not prisoners of war; nor are they, if discovered and secured before their conspiracy has matured to an actual rising, or to armed violence.

88. A spy is a person who secretly, in disguise, or under false pretence, seeks information with the intention of communicating it to the enemy.

The spy is punishable with death by hanging by the neck, whether or not he succeed in obtaining the information, or in conveying it to the enemy.

90. A traitor under the law of war, or a war traitor, is a person in a place or district under martial law who, unauthorized by the

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military commander, gives information of any kind to the enemy, or holds intercourse with him.

91. The war traitor is always severely punished. If his offense consists in betraying to the enemy anything concerning the condition, safety, operations or plans of the troops holding or occupying the place or district, his punishment is death.

92. If the citizen or subject of a country or place invaded or conquered gives information to his own government, from which he is separated by the hostile army, or to the army of his government, he is a war traitor, and death is the penalty of his offense.

98. All unauthorized or secret communication with the enemy is considered treasonable by the law of war.

100. A messenger or agent who attempts to steal through the territory occupied by the enemy, to further, in any manner, the interests of the enemy, if captured, is not entitled to the privileges of the prisoner of war, and may be dealt with according to the circumstances of the case.

101. While deception in war is admitted as a just and necessary means of hostility, and is consistent with honorable warfare, the common law of war allows even capital punishment for clandestine or treacherous attempts to injure an enemy, because they are so dangerous, and it is so difficult to guard against them.

102. The law of war, like the criminal law regarding other offenses, makes no difference on account of the difference of sexes, concerning the spy, the war traitor, or the war rebel.

156. The commander will throw the burden of the war, as much as lies within his power, on the disloyal citizens of the revolted portion or province, subjecting them to a stricter police than the non-combatant enemies have to suffer in regular war; and if he deems it appropriate, or his government demands of him that every citizen shall, by an oath of allegiance, or by some other manifest act, declare his fidelity to the legitimate government, he may expel, transfer, imprison, or fine the revolted citizens who refuse to pledge themselves anew as citizens obedient to the law and loyal to the government.

Further, as to spies[1], correspondence with the enemy[2], mail carrying, guerrillas[3], military insurgents, recruiting for the enemy within our lines[4], brigands, relieving the

1. General Orders, War Dept., 1862, No. 174; 1863. Nos. 128, 346. General Orders Dept. Mo., 1863, No. 39, ¶ IV.
2. General Orders, War Dept., 1863, Nos. 114, 250, General Orders, Dept. Mo., 1863. No. 39, ¶ VII.
3. General Orders, War Dept., 1863, No, 306.
4. General Orders, War Dept., 1863, No. 114.

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enemy[1], harboring and feeding guerrillas[2], disloyal persons[3], &c. See General Orders Department Missouri, 1863, No. 30.

1. General Orders, Dept. Mo., 1863, No. 80, ¶ XII, No. 88, ¶ V.
2. General Orders, War Dept., 1863, No. 175. General Orders, Dept. Mo., 1863, No. 80, ¶ XIII, No. 88, ¶ XVII.
3. General Orders, Dept. Mo., 1863, No. 50, ¶¶ XI and XIII; No. 74, ¶¶ XV, XIX; No. 88, ¶¶ III, XVII.

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JURISDICTION OF MILITARY COMMISSIONS.

It may be stated, in general terms, that Military Commissions have jurisdiction of offenses which are not triable or punishable by Courts Martial, and which are not within the jurisdiction of any existing civil courts. Ordinarily, persons charged with offenses cognizable by civil courts, wherever such loyal courts exist with ability to punish crime, will not be tried by a military commission. Many offenses, however, which in time of peace, are civil offenses, become in time of war military offenses, and the offenders are to be tried by a military tribunal, even in places where civil tribunals exist[1]. An act of Congress, hereinbefore cited, gives a military commission authority to try and punish spies, also, any person in the military service and subject to the Articles of War, who shall commit murder, assault and battery with an intent to kill, manslaughter, mayhem, wounding, by shooting or stabbing, with an intent to commit murder, robbery, arson, burglary, larceny, rape, and assault and battery with an intent to commit rape[2]. Citizens may also be tried and punished for these, as well as other crimes, by military commissions, when such crimes affect the military operations, or are committed in districts where the civil courts are powerless or inefficient in the punishment of crimes. No person shall be liable to be tried and punished by a military commission for any offense which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself, or some other manifest impediment, shall not have been amenable to justice within that period[3].

1 See page 4, General Orders, War Dept., 1863, Nos. 8, 145, 157.
2 See page 13, General Orders, War Dept., 1863, Nos. 17, 28, 129, 135, 151. 256, 279, 336.
3 88th Art. of War, General Orders, Dept. Mo., 1863, No 56, ¶¶ II and IV.

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ORGANIZATION OF MILITARY COMMISSIONS[1].

The foregoing orders show that military commissions, in this Department, may be ordered by the General-in-Chief of the Army, the General in command of the Department, Commanders of Army Corps, Divisions, Brigades and Districts[2].

The order appointing a Military Commission should state the place, day, and hour of meeting; the detail of members, and name of Judge Advocate. If no officer is detailed as Judge Advocate, a member of the commission will act as such[3]. The name of the prisoner may or may not be included in the order. In the latter case it should be stated, "for the trial of such persons as may be brought before it." It is advisable also, in most cases, to state in the order that, "the commission can sit without respect to hours," as otherwise the sittings will be limited to certain hours, as in Courts Martial, from 8, A. M., to 3, P. M[4]. A military commission cannot consist of less than three members[5], and it is advisable that it should consist of more, to prevent delays that might arise from absence or disqualification for duty.

The senior officer is the President of the Commission.

JUDGE ADVOCATE.

When no officer is designated to act as Judge Advocate, the junior member should act as such. It is better, however, that an officer should be appointed Judge Advocate, and he should be selected with special reference to his qualifications. It is important that he should be a man of intelligence, possessing some familiarity with the proceedings of military courts, industrious, and of unquestionable integrity. He must arrange the preliminaries for trial, procure a proper apartment for the assembling of the commission, necessary guards and orderlies, and all things proper for the use and comfort of the commission. These will be furnished on his requisition upon the proper officers.

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1 See page 3. General Orders, War Dept., 1863, No 68, ¶ II. General Orders, Dept. Mo., 1863, No 80, ¶ XIV; No 107, ¶ II.
2 See pp 4, 6, 8.
3 See p 4.
4 75th Article of War.
5 See page 4.

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He must furnish the prisoner with a copy of the charges and specifications, of the detail for the court, and of the list of witnesses for the prosecution, a reasonable time before the trial. The names of the witnesses intended to be summoned by the prisoner are then required.

In summoning witnesses the Judge Advocate must use discretion, and consult the interests of the Government, as well as of the prisoner[1]. Should the Judge Advocate decline to summon the witnesses of the prisoner, he may appeal to the commission, when organized, and the proceedings and decision must be entered on record.

Other witnesses, besides those whose names are on the lists, may be summoned and examined.

Any person in the military service of the United States may be compelled, if summoned as a witness, to appear before the court.

In case a civilian, or other person not in the United States military service, should be summoned as a witness, the Judge Advocate may compel him to appear and testify by a like process which courts of criminal jurisdiction, within the State, Territory, or District where such Military Commission shall be ordered to sit, may lawfully issue[2].

In cases of importance, and when the duties of the Judge Advocate will not allow him to take down the testimony in the ordinary way, he may appoint a reporter to take down the proceedings and the testimony, who may be a short hand writer, at a rate of pay not to exceed ten dollars per day[3]. He must be sworn as an officer of the court[4]. The expense of the employment of a short hand writer should not be incurred, except when the pressure of business makes it economical to do so.

COUNSEL FOR THE PRISONER.

The prisoner may employ counsel, and should be so notified by the Judge Advocate, and, although, the prisoner's counsel cannot

1 § 890, Revised Regulations.
2 See page 13.
3 Genl. Orders, War Dept, 1863, No 208.
4 See page 13.

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be formally admitted until after the commission is sworn, yet he should be permitted to be present to assist his client in the preliminaries, as well as throughout the trial. The counsel sits near the prisoner, and assists him in the examination of witnesses. Either he or the prisoner may write out such questions as are wished to be asked, on slips of paper, which are handed to the Judge Advocate to be read to the witness. If the Judge Advocate thinks any question improper, he may decline to ask it, and refer it to the commission, which will determine whether the question may be asked. Whatever points may arise in the course of the trial, on which remarks or argument are deemed necessary by the counsel, his remarks or argument must be made in writing, as he is not permitted at any time to address the commission, during its proceedings. The counsel may prepare and read the prisoner's defense, but such defense must be in the name of the prisoner, and not in the name of the counsel, for his client. If the prisoner has no counsel, the Judge Advocate should see that he does not suffer from a want of knowledge of the law, or from deficiency of experience or ability to elicit from the witnesses a full statement of the facts bearing on his case.

CHARGES AND SPECIFICATIONS.

The charge designates the offense, and should be, according to the nature of the offense committed, "Violation of the laws of war," "Violation of oath," "Being a spy," "Being a guerrilla," "Murder," "Larceny," &c.

The specification should give the name in full of the offender, with his rank, company and regiment, or other military description, if a soldier, and his county and State, if a citizen. It should state in brief and explicit language the facts, circumstances and intent constituting the offense, the place where, and the time when, committed. If a doubt exists as to the precise time and place, they may be alleged as, "this at or near" such a place, or, "on or about" such a time. Written instruments, when they form a part of the gist of the offense charged, must be set out

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verbatim. When part only of a written instrument is included in the offense, that part only is necessary to be inserted.

If the crime charged is a common law or statutory crime, the specification should comply with the substantial requisites of an indictment at common law, or under the statute for such crime[1]. Facts, distinct in their nature, cannot be included in one and the same charge, or specification of a charge, but must be the subjects of a distinct charge or specification.

Charges should always be founded in public utility; and not be used as a means of gratifying personal resentments. If offenses when committed are not of sufficient consequence to require the prosecution of the offender at the time, and he subsequently behaves himself peaceably and properly, they should not at a future period be brought up or revived. It is rarely proper to prosecute stale charges.

PUNISHMENTS.

The punishments, which may be inflicted by military commissions, according to the nature of the offenses, are death, confinement, confinement on bread and water diet, or solitary confinement, in neither case to exceed fourteen days at a time, at intervals between the periods of such confinement, not less than such periods, and not exceeding eighty-four days in any one year, confinement at hard labor which may be under guard, in a military prison, or in a penitentiary, ball and chain, fine, banishment, parole to certain limits, bond[2].

Punishments for the following offenses shall never be less than those inflicted for such offenses by the laws of the State, Territory or District, in which they may have been committed: murder, assault and battery with an intent to kill, manslaughter, mayhem, wounding, by shooting or stabbing, with an intent to commit murder, robbery, arson, burglary, larceny, rape, and assault and battery with an intent to commit rape[3].

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1 Greenleaf on Evidence, Vol 3, § 471.
2 § 895 Revised Regulations
3 See page 13.

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PROCEEDINGS.

The proceedings of Military Commissions will be governed by the same rules as Courts Martial, so far as the same may be applicable[1].

The hour of meeting having arrived, the members of the commission take their places at the table according to their rank. The President calls the commission to order. When ready for business the prisoner is brought in, and his counsel, if he has any, may be admitted. The names of the members are then called over by the Judge Advocate. The order for convening the commission and all other orders relating to the detail are then read in the hearing of the prisoner. He must then be asked if he has any objection to any member of the commission, and his answer must be recorded[2]. He must state his cause of challenge, confining his challenge to one member at a time[3]. The Judge Advocate cannot be challenged, unless he is a member of the Commission. He has the right to challenge any member of the commission, and state his reasons therefor. After the reasons for a challenge are stated, and the challenged member makes his answer thereto, the President must order the room to be cleared that the members may deliberate on and determine the validity of the challenge. The member challenged usually retires during the deliberation. All deliberations of a Military Commission are held with closed doors. The action of the court on the challenge is announced and recorded. The challenges being disposed of, the oath is administered to the members collectively, by the Judge Advocate, in the presence of the prisoner. The following is recommended as a proper form of oath; each member rising and holding up his right hand, ungloved, as his name is called:

"You, Colonel ———, Major ———, etc., etc., (*enumerating the President and members, each with his rank and in order of seniority,*) do swear that you will well and truly try, and determine, according to evidence, the matter now before you, between the United States

1 See page 4.
2 § 891, Revised Regulations.
3 71st Art. of War.

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of America and the prisoner to be tried, and that you will duly administer justice according to the General Orders in force in this Department, the laws of the United States, and the common law and customs of war, without partiality, favor, or affection, upon your conscience, and to the best of your understanding; and you do further swear that you will not divulge the sentence of the Commission, until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the Commission, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law. So help you God."[1]

The following oath will then be administered in the presence of the prisoner, by the President of the Commission, to the Judge Advocate, if he is not a member of the Commission:

"You, Capt. —— (*stating his rank, etc.*) do swear, that you will not disclose or discover the vote or opinion of any particular member of the Commission, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law, nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God."

If the Judge Advocate is a member of the commission he will take the same oath as the other members, except that for the words, "*until it shall be published by proper authority*" will be substituted the following: "*to any but the proper authority until it shall be duly disclosed by the same.*"

If there is a reporter appointed by the Judge Advocate, he must be sworn or affirmed to faithfully record the proceedings of and testimony taken before the commission[2].

POSTPONEMENT.

Application may now be made for a postponement of the trial. The commission shall, for reasonable causes, grant a continuance to either party, for such time and as often as shall appear to be just: *Provided*, that if the prisoner be in close confinement the trial shall not be delayed for a period longer than sixty days[3]. Upon application for postponement on the ground of the absence of a witness, it ought distinctly to appear on the oath of the pris-

1 69th Article of War.
2 See p 13.
3 See p 13.

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oner or Judge Advocate, whichever makes the application: 1st, that the witness is material, and how; 2d, that the accused has used due diligence to procure his attendance; and, 3d, that he has reasonable ground to believe, and does believe, that he will be able to procure such attendance within a reasonable time stated[1].

ARRAIGNMENT AND PLEAS.

The case being ready for trial, the charges and specifications are read to the prisoner, by the Judge Advocate, and he is asked, as to each specification and charge, how he pleads, "Guilty," or "Not guilty." The prisoner may, as to any charge, plead specially to the jurisdiction of the commission; as that it has been improperly or illegally detailed; or that it is not composed of the requisite number of officers. Or he may plead a special plea in bar of the charge. Such a plea gives a reason why he ought not to be called upon to answer the charge, as, a plea of former acquittal, former conviction, a pardon, or the statute of limitation. But if his plea is found not to be true, or he makes no such plea, he then pleads either guilty or not guilty. But this plea must be made simply and unqualifiedly, as nothing exculpatory can at this time be received. No special justification can be offered as a plea[2]. That may be shown in the evidence under the plea of not guilty. The prisoner may plead guilty as to part of a specification, and not guilty as to the balance. Should he plead guilty to all the specifications and charges, no evidence can be taken to prove his guilt. The prisoner, if he has no counsel, should be warned of the effect of such a plea. He may, notwithstanding his plea of "guilty," adduce evidence tending to mitigate his guilt, if the court has a discretion as to the nature or degree of punishment. In such a case, the Judge Advocate has a right not only to cross-examine the witnesses introduced for such a purpose, but he may call witnesses to show the aggravation of the offense. The prisoner may plead guilty of the specifications and not guilty of the charge. In that case the

1 § 887, Revised Regulations.
2 Simmons, ¶ 152.

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commission has simply to decide whether the facts, as set forth in the specifications, sustain the charge. If they are of opinion the facts, thus set forth, do sustain the charge, they will find the prisoner guilty of the specifications and of the charge, and sentence him accordingly. If they are of opinion the facts, as set forth, do not sustain the charge, they will find him guilty of the specifications and not guilty of the charge, and acquit him.

The prisoner may plead guilty of some of the specifications and not guilty of others. Then testimony will only be taken on the specifications to which he pleaded not guilty, unless the prisoner should introduce testimony in mitigation of his offense, as set forth in the specification to which he pleaded guilty.

If a specification is drawn up in a loose and indefinite manner the prisoner may object to pleading thereto, for that reason, and may ask that the Judge Advocate be required to specify the particular facts of which he intends to accuse him. If the court sustains the objection, the Judge Advocate will make the proper amendment, if he can, and if he cannot, the commission will reject the specification. The facts ought to be alleged so distinctly, that neither the prisoner nor the commission can have any difficulty in knowing the precise offense charged[1]. If the objection is overruled the prisoner will plead to the specification. He may also object to pleading to the charge, if it does not sufficiently designate an offense.

WITNESSES AND EVIDENCE.

The rules of evidence by which Military Commissions are to be governed are the same as those that obtain in the criminal courts of the country.

All persons who give evidence before a military commission, are to be examined on oath or affirmation, in the following form:

"You swear, or affirm (as the case may be), the evidence you shall give in the cause now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."[2]

1 McComb on Courts-Martial, § 61, 62.
2 73d Article of War

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Witnesses are examined in open court, in presence of the parties. They should be examined apart from each other, though this rule is subject to the discretion of the Court. The charges and specifications should not be read in their hearing.

The witness is first examined by the Judge Advocate, and he may then be cross-examined by the prisoner, and re-examined by the Judge Advocate. The court can then ask explanatory questions if they deem it necessary.

Should objection from any quarter be made to a question, proposed to a witness, the court is cleared, and the majority determines. Questions by a member, when received, are recorded as "by the court;" when rejected, as "by a member." Questions rejected are not expunged from the record, unless by consent of all parties.

Evidence must be recorded in due order, and in the words of the witness, and should be read over to him before he finally retires from the stand. The witness can then correct or explain, and such corrections and explanations are recorded, without, however, erasing or expunging any part of his previous testimony.

In all cases, where the punishment of the offense charged is discretionary, and especially where the discretion includes a wide range, and great variety of punishment; and the specifications do not show all the circumstances attending the offense, the court should receive and report, in its proceedings, any evidence the Judge Advocate may offer, for the purpose of illustrating the actual character of the offense, notwithstanding, the party accused may have pleaded guilty; such evidence being necessary to an enlightened exercise of the discretion of the court, in measuring the punishment, and also, to those whose duty it may be to report on the case, or to carry the sentence into effect. If there be any exception to this rule, it is where the specification is so full and precise, as to disclose all the circumstances of mitigation or aggravation, which accompany the offense. When that is the

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case, or when the punishment is fixed, and no discretion is allowed, explanatory testimony cannot be needed[1].

Depositions of witnesses residing beyond the limits of the State, Territory, or district in which military courts shall be ordered to sit, may be taken, in cases not capital, by either party, and read in evidence: *Provided*, the same shall be taken upon reasonable notice to the opposite party, and duly authenticated[2].

All evidence against a prisoner should be produced before the prosecution closes. The witnesses for the defense are then called and examined. Witnesses may be recalled. If any member should be absent when the testimony is being taken, he ceases to be a member of the commission in that particular case.

DEFENSE.

The prisoner can now address the court in defense, or his defense be read by the Judge Advocate, his counsel, or friend. The Judge Advocate can reply to the address of the prisoner, and in both cases the court will grant a reasonable time for preparation. A surrejoinder on the part of the defense may be allowed, but is not customary. The defense of the prisoner and answer of the Judge Advocate must be made a part of the record.

FINDING AND SENTENCE.

The finding is the term used in military courts, for *verdict* in civil law. The room is cleared, and the commission proceeds to deliberate upon the case. A fair copy of the proceedings and testimony should be laid upon the table or read over to the commision by the Judge Advocate, to refresh the memory of the members, and to make certain that such copy is a faithful transcript of the proceedings and testimony. The Judge Advocate may give his opinion on legal questions, but not as to the guilt or innocence of the prisoner, unless he is a member of the commission. The commission can recall a witness, at any time before finding, for explanation, but only in the presence of the prisoner. The commission having re-examined the evidence, and each mem-

1 McComb on Courts Martial, §64.
2 See page 12 and General Orders, Dept. Mo., 1862, No 33, ¶¶ XIX and XXII; 74th Art. of War.

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ber being ready to give his opinion, the Judge Advocate reads the first specification to the first charge, and addressing each member, beginning with the lowest in rank, calls upon him for his vote. Each member, as his name is called, will give his vote "guilty," or "not guilty," with such modifications as to guilty of the whole or part of the specification, as he thinks right. The same course is pursued as to the other specifications, and then to the charge, and so on through all the specifications and charges. The prisoner may be found guilty of part and acquitted of part. Every member must vote on every question. A majority of votes determines the question, except when the punishment of the crime is made capital by law, and can be nothing less. In such a case the finding of guilty must be by, at least, a two-thirds vote, and the fact must be so recorded in the finding. A tie vote, on any question, is a finding of not guilty on that issue. It should never be recorded that the commission voted unanimously; and the state of the vote should never be expressed in the finding and sentence, except when it is by law required to be stated. The finding having been agreed upon, the court proceeds to pronounce the sentence. In cases where the law or orders affix the punishment to the offense, the sentence must be made accordingly. Where no particular punishment is prescribed for the offense, or it is at the discretion of the commission, the sentence will be death, fine, or confinement, or both fine and confinement, banishment, parole to certain limits, bond. The sentence must be expressed in clear and unambiguous language. The death penalty in every case requires at least a two-thirds vote[1] for its infliction; and the fact that two-thirds so voted must be recorded in connection with the sentence[2].

The finding and sentence are then recorded.

THE RECORD.

The record should then be carefully examined by the Judge Advocate, to see if all the proceedings are correctly recorded.

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1 87th Art. of War.
Revised Regulations, § 891, General Orders, War Dept., 1863, Nos 91, 95, 101, 162, 255, 257; General Orders, Dept Mo., 1863, No 3, ¶¶ II and VIII; No 7, ¶¶ IV and VIII; No 10, ¶¶ IV and XIV.

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The record must show that the commission was properly organized, and must contain a copy of the order appointing the commission, and of all subsequent orders relating thereto.

It must show that the prisoner was asked, previous to his arraignment, whether he had any objection to any member of the commission, and his answer thereto, and the action thereon.

It must show that the commission, Judge Advocate, reporter, if there was one, and witnesses, were duly sworn in the presence of the prisoner.

It must show, when the punishment is death, that two-thirds of the commission concurred in the sentence.

If the record is defective, in any of these respects, it may be corrected according to the facts.

The President and Judge Advocate being satisfied of the correctness of the record will then sign it officially[1].

A recommendation to mercy may then follow, to be signed only by those members of the commission who join in the recommendation[2].

The record should then be forwarded by the Judge Advocate, without delay, to the officer who appointed the commission, or his successor in office[3].

The commission can, at any time before its final adjournment, and before action by the reviewing authority, recall the record, and modify or change the sentence already passed: Provided the commission be constituted of the same number, and of the same members, as when the sentence was first pronounced.

The proceedings of each day are to be fairly transcribed, and to be read by the Judge Advocate to the court at its next meeting, although the latter can be dispensed with by consent of the court and prisoner. The record should be clearly written, without erasure or interlineation, pages numbered, one inch margin on left side and at top of odd and bottom of even pages, to allow sheets to be stitched together. Documents and exhibits accom-

1 § 891 Revised Regulations
2 § 894, Revised Regulations.
3 § 896 Revised Regulations.

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panying proceedings should be numbered or lettered and properly referred to.[1]

When the same commission tries more than one case, the members of the commission and Judge Advocate must be sworn in each case, and the proceedings in each case must be made up separately, as if it were the only case.[2]

When a trial is concluded, and there is no further business before the commission, it adjourns *sine die*, and the members return to their respective posts and duties. An adjournment *sine die*, is not a dissolution of the commission. It is dissolved by the authority that convened it.

The commission adjourns from day to day. Each day's proceedings are kept separate in the record. If the adjournment is for three days, the Judge Advocate reports the fact to the appointing authority[3].

REVIEWING AND CONFIRMING.

The officer who convened the commission, or his successor in office, will review the proceedings. The proceedings are null and void if the commission was appointed by an officer not having competent authority, or if the number of members was less than three[4], or if the order appointing the commission did not direct it to sit without respect to hours, and the trial was carried on before 8 A. M., or after 3 P. M. If on examination of the proceedings, the reviewing authority should be of opinion, that from inadvertance, misconception of the orders, law or customs of war, an insufficient or undue weight has been given to any part of the testimony, or that an inadequate, exorbitant, or illegal punishment has been awarded, or for any other reason which he may deem sufficient, the finding and sentence of the commission ought to be by them reconsidered, he may send it back to them for that purpose, pointing out the particular reasons which, in his opinion, make a reconsideration necessary.

1 § 893 Revised Regulations
2 § 892 Revised Regulations
3 § 901 Revised Regulations
4 See page 4.

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The commission is bound, thereupon, to re-examine, with deliberation and care, the reasons upon which their action rested. No additional testimony can be taken; a witness cannot even be recalled to explain his testimony. The recorded testimony, as it stands, must be the sole basis for the new action of the commission. The commission cannot alter or obliterate any part of its proceedings, or expunge any recorded testimony. The original finding and sentence are to remain. The proceedings of the commission on the reconsideration, together with the written instructions from the appointing power, must be made up separately, and appended to the previous record. The record will then be transmitted as before.

The reviewing authority may approve or disapprove the finding and sentence. A disapproval terminates the proceedings against the prisoner, and he is entitled to be discharged, if there are no other charges against him. If he is acquitted, an approval has a like effect; but if he is convicted the reviewing authority may approve the finding and sentence, and order the sentence to be carried into execution, if the reviewing authority has the power to make such an order, and if he has not such power he will endorse his action and transmit the record to the next higher authority. All sentences of commissions extending to banishment, confiscation of property, fine, or imprisonment exceeding the term of thirty days, except in a penitentiary, must be confirmed by the General Commanding the Department[1], and all sentences of death, and of imprisonment in a penitentiary, must be confirmed by the President.[2]

In all cases where the reviewing authority has power to confirm and execute the sentence, he may pardon the prisoner, or mitigate his punisment.

In all cases the reviewing authority will transmit the proceedings to these Headquarters, with an endorsement of his action, and if his action is final, he will send with the record three copies of his general orders in the case.

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1 See pages 4, 6, 8.
2 Section 5 of "An Act amending the Act for calling forth the Militia," &c, approved July 17th, 1862.

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PAY OF MEMBERS, JUDGE ADVOCATE, AND WITNESSES.

By General Orders of the War Department, 1862, No. 165, "the allowances granted to witnesses examined before General Courts Martial and Courts of Inquiry, will also be made to those summoned before Military Commissions; and by same, 1863, No. 140, members and Judge Advocates of Military Commissions will be entitled to the same extra pay and allowances, as in the case of General Courts Martial[1]. The Judge Advocate will give the proper certificates.

1 Revised Regulations, ¶¶ 1137, 1138, 1139, 1140.

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FORMS OF RECORD.

Proceedings of a Military Commission which convened at ——— by virtue of the following order, viz:

[*Here insert the order.*]

JEFFERSON CITY, MISSOURI,
9 *o'clock, A. M., November 1st,* 1863.

The Commission met pursuant to the above order.

PRESENT:

Colonel A. B. ———, —— Regiment of ———.
Lieutenant Colonel C. D. ———, —— Regiment of ———.
Major E. F. ———, —— Regiment of ———.
&c., &c., &c.,
Captain G. H. ———, —— Regiment of ———,
Judge Advocate.

ABSENT:

Lieutenant J. L. ———, —— Regiment of ———.

[*If the cause of absence is known, state it.*]

The Court then proceeded to the trial of ———, a citizen of ———, county of ———, who was called into Court, and having heard the order appointing the Commission read, was asked if he had any objection to any member present named in the order, to which he replied in the negative.

[Or, he replied ,"I have respectfully to request that Major——— withdraw from his seat as a member of the Commission for the following reasons: [*Here insert them.*]

The Commission was then cleared; and after deliberation the doors were again opened, and the Judge Advocate announced to the prisoner, in open court, that his objection was sustained.

Whereupon Major ———, the challenged member, retired.

[If the objection is overruled, it should be so announced. If more than one challenge is made, but one at a time must be considered and entered on the record.]

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The Commission and Judge Advocate were then duly sworn, in the presence of the prisoner.

[If there is an official reporter, he must also be sworn[1].

The prisoner then made application for permission to introduce counsel, and ——— was admitted as his counsel.

[Application for postponement may be made here, and if made, the action of the Commission thereon must be recorded.]

The prisoner was then duly arraigned on the following charges and specifications, to-wit:

[*Here insert the charges and specifications.*]

To which charges and specifications the prisoner pleaded as follows:

To the first specification, first charge, "*Not Guilty*"
To the second specification, first charge, "*Guilty.*"
To the first charge, "*Not Guilty.*"
To the specification, second charge, "*Not Guilty.*"
To the second charge, "*Not Guilty.*"

A. B. ———, a citizen of ———, witness on part of the prosecution, was duly sworn in the presence of the prisoner.

Question by Judge Advocate.
Answer.
Question by Judge Advocate.
Answer.
Question by Judge Advocate.
Answer.
Cross-examined by prisoner.
Re-examined by the Judge Advocate.
Question by the Court.
The witness then retired.

Other witnesses examined in the same manner.

The Commission then adjourned to meet at — o'clock A. M., to-morrow.

JEFFERSON CITY, MISSOURI,
9 *o'clock A. M., November* 2, 1863.

The Commission met pursuant to adjournment.

Present the same members as yesterday, the Judge Advocate and prisoner.

The proceedings of yesterday were read and approved.

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1 See page 19

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C. D. ——, Private, —— Company, —— Regiment, —— Volunteers, a witness for the prosecution, was duly sworn, in the presence of the prisoner.

Question by Judge Advocate.

Answer.

[Cross-examination and re-examination same as above.]

The witness then retired, and the Judge Advocate announced to the Commission that the prosecution was closed.

E. F. ——, a citizen of ——, a witness for the defense, was then called and sworn, in the presence of the prisoner.

[Other witnesses for the defense examined.]

The prisoner asked for an adjournment of the court until 9 o'clock, A. M., the 4th inst., to give him time to prepare his defense.

The Commission then adjourned until 9 o'clock, A, M., the 4th day of November, 1863.

JEFFERSON CITY, MISSOURI,

9 o'clock, A. M., November 4th, 1863.

The Commission met pursuant to adjournment. Present, the same members as at last session, Judge Advocate and prisoner.

The proceedings of the last session were read and approved.

The prisoner then made a statement in his defense, which is hereunto appended, marked "A," and made a part of this record. [Or prisoner's defense was then read by his counsel, which is hereunto appended and marked "A," and made a part of this record.] The Judge Advocate then submitted the case without comment. [Or submitted his answer, which is appended, marked "B," and made a part of this record.]

The court was then cleared for deliberation, and having maturely considered the evidence adduced, finds the prisoner, as follows:

Of the first specification, first charge, "*Not Guilty.*"

Of the second specification, first charge, "*Guilty.*"

Of the first charge, "*Guilty.*"

Of the specification, second charge, "*Guilty*" of all except the words, " ."

Of the second charge, "*Guilty.*"

And the Commission does therefore sentence him, —— ——, to——

A. B. ——,
Colonel —— Regiment of ——,
President.

G—— H——,
Captain —— Regiment of ——
Judge Advocate.

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That there may be uniformity in folding, briefing, &c., of Records, Judge Advocates of Military Commissions, in this Department, are directed to fold and brief Records, in accordance with the following directions and form :

Legal and foolscap to be folded in four folds, and letter paper in three folds ; the top of the pages to be the first page of the folds. Brief on the first fold, with *black* ink.

The approval or disapproval of the authority convening the Military Commission should be endorsed on the second fold, and the record transmitted to these Head Quarters.

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FORM OF BRIEFING.

PROCEEDINGS OF A

MILITARY COMMISSION,

IN THE CASE OF

[HERE INSERT THE NAME]

CHARGE(S):

[HERE INSERT THE CHARGE(S).]

SENTENCE:

[HERE INSERT THE SENTENCE.]

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Law of War.

Civil War
Guerrilla
Instant Ex
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Guerillas.
Civil War.
"Drumhead Court Martials"

Cut from War Chronicle of Oct 25. 1865.

Proclamation and Decree of Maximilian.

The official journal of the empire, *El Diario del Imperio*, contains a proclamation by Maximilian, of which the following is a translation. A brief reference was made to it yesterday:

MEXICANS: The cause which Don Benito Juarez upheld with so much valor and constancy succumbed some time since, not only to the national will, but to the very law which that leader invoked in support of his claims; and today even the bandits, into which the partisans of the cause have degenerated, have been abandoned by the departure of the chief from his native soil.

The national Government was for a long time indulgent, extending clemency so far as to give those misguided men who were ignorant of the facts an opportunity to join the great majority of the nation, and once more pursue the path of duty. In this the Government was successful, and honorable men ranged themselves under its banner with confidence in the just and liberal principles by which its policy is shaped. The cause of disorder was sustained only by a few leaders, whose passions stifled their patriotism; by the most demoralized of the lower classes, too ignorant to comprehend political principles; and by a lawless soldiery, such as always remains the last sad vestige of civil war.

From henceforth the contest will be solely between the respectable men of the nation and bands of criminals and highwaymen. There can be no more leniency, as it will benefit only bands of men who burn villages and rob and assassinate peaceful citizens, decrepit old men, and defenceless women.

The Government, strong in its power, will from this time forth administer punishment inflexibly, as called for by the laws of civilization, the rights of humanity, and the requirements of morality.

MAXIMILIAN.

MEXICO, October 2, 1865.

The following is a translation of a decree issued the day following the promulgation of the above proclamation:

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ARTICLE 1. All persons belonging to armed bands or societies not legally organized, whether of a political nature or not, whatever be the number of those forming the band or its organization, character, and denomination, shall be tried by a court-martial, and if found guilty, if only of the act of belonging to such a band, they shall be condemned to capital punishment, which shall be executed within the twenty-four hours next ensuing after the declaration of the sentence.

ART. 2. Persons belonging to the bands described in the foregoing article, when caught using arms, shall be tried by the commandant of the force making the capture, who, within twenty-four hours after such apprehension, shall cause the offence to be verbally investigated, hearing the offender in his own defence. A record of such investigation shall be written down, terminating with the sentence, which shall be to capital punishment should the offender be found guilty, if even solely of the fact of belonging to the band. The commanding officer shall cause the sentence to be executed within twenty-four hours, allowing the culprit to receive spiritual consolation; and after execution of the sentence the said officer will forward a record of the proceedings to the Minister of War.

ART. 3. Exemption from the penalty decreed in the foregoing articles shall be allowed solely to such persons as may be able to show that they were forcibly kept with the band, or that they met with it accidentally.

ART. 4. If, upon holding an investigation, as prescribed by article 2, evidence should appear tending to the presumption that the prisoner had been forcibly kept with the band, without having committed any offence, or that without belonging to such a band he had accidentally fallen in with it, then in such case the commanding officer shall not pronounce sentence, but forward the presumed offender, together with a written statement of the proceedings, to the proper court-martial, in order that the latter may try the case in accordance with article 1.

ART. 5. The following persons shall be tried and sentenced conformably to article 1 of this decree:—1. All who voluntarily assist guerillas with money or give them any other species of material aid. 2. Those who may give them information, news, or advice. 3. Those who voluntarily transfer or sell to guerillas, knowing them to be guerillas, arms, horses, ammunition, provisions, or any other articles useful in warfare.

ART. 6. The following persons shall also be tried in accordance with article 1, viz: 1. Those who maintain relations with guerillas indicating connivance with them. 2. Those who voluntarily or knowingly conceal guerillas in their houses or buildings. 3. Those who circulate, orally or in writing, false or alarming reports tending to disturb the public peace, and such as make any demonstrations against the same. 4. All proprietors or administrators of country

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punished by imprisonment of from six months to two years' duration, or with from one to three months' confinement, with hard labor, according to the gravity of the offence. Any person alluded to in section 2 who may be a parent, child, husband, wife, brother or sister of the party concealed shall not suffer the penalty above described, but shall remain under the surveillance of the authorities during such period as the court-martial may direct. All included in section 3 of this article shall be punished by the imposition of a fine of from $25 to $1,000, or imprisonment from one to twelve months, according to the gravity of the offence. Those included in section 4 of this article shall be punished by the imposition of a fine of from $200 to $2,000.

ART. 7. The local authorities in villages who fail to give immediate notice to their superior authorities of the passage of any armed body of men through their limits shall be punished gubernatorially by the said superior authorities by the imposition of a fine of from $200 to $2,000, or with imprisonment from three months up to two years in duration.

ART. 8. Any resident of a village or town who, after learning of the approach or transit of an armed body of men through the district, shall fail to notify the authorities of the same shall be subjected to the payment of a fine varying from $5 to $500.

ART. 9. All the male inhabitants of any town between the ages of eighteen and fifty-five and free from physical disability are required, in the event of the town being threatened by any hostile band, to come forward for its defence immediately on being called upon; and should they refuse to act, they shall be punished by a fine of from $5 to $200, or by from fifteen days to four months' imprisonment. Should the authorities deem it more advisable to punish the town for not having defended itself, a fine of from $200 to $2,000 may be imposed, and the same shall be paid jointly by those refusing to come forward for the defence of the place, as provided by this article.

ART. 10. All proprietors or administrators of landed property who, although able to defend themselves, shall take no steps to prevent the invasion of guerillas or other outlaws, or who shall fail to notify the nearest military post without delay of such occupation, or who shall receive worn out or wounded horses belonging to lawless bands upon their property without informing the said authorities, shall be punished by a fine of from $100 to $2,000, according to the gravity of the offence; and if of sufficient gravity they may be consigned to prison and handed over to the proper court-martial, to be tried in accordance with this law. The fine shall be paid by the offender to the revenue officer for the district wherein the property may be situated. The first provision of this article shall apply to villages.

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... mentioned, or against those suspected ...g committed the same, shall be punished ...torially by a fine of from $50 to $1,000; ...uld it appear that such a neglect arose ...mplicity with the delinquents, the said ... shall, by order of the Government, be ... over to a court-martial, in order that he ... duly ... and a penalty decreed suita... the gra... of the offence.

...ART. 12. R...ers shall be tried and sentenced ...ordance with article 1 of this decree, what... may be the manner and circumstances of ...bbery.

...T. 13. The sentences of death rendered for ...rimes described in this decree shall be exe... within the period stated, and no petitions ...

...r pardon will be received. When a sentence ...her than capital is rendered against a foreigner, ...ter record has been made of the sentence, the ...overnment may use its privilege to expel all ...ngerous foreigners from the national territory.

ART. 14. Full amnesty will be granted to all who have belonged or do now belong to armed bands, if they present themselves to the authorities before the 15th of November next, provided always, that they have committed no other offence, reckoning from the date of the present decree. The authorities will take possession of the arms of such as present themselves for amnesty.

ART. 15. The Government reserves the right to declare when the provisions of this decree shall cease.

Our ministers are entrusted with the execution of this decree as far as each is concerned, and they will issue the necessary orders for its strict observance.

Given at the Palace of Mexico, on the 3d day of October, 1865.

MAXIMILIANO.

PROF. AGASSIZ'S EXPEDITION.

His Reception in Brazil—Important Discoveries—Division of the Exploring Party—Agassiz Going up the Amazon.

[From the New York Post.]

Profound interest has been excited in scientific and popular circles in this country and in England by the expedition of Professor Agassiz to Brazil, but in consequence of his aversion to notoriety, and of the severe labors in which the scientific corps under his direction has been engaged, no definite account of his movements, so important to science, has been received in this country. In conversation with Rev. J. C. Fletcher, who has just returned from South America, we have obtained some interesting particulars of the progress of the expedition, the publication of which, we hope, is no violation of privacy.

On the first of April last Professor Agassiz and his associates left New York ...

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ceived with a warmth of an old friend, the Emperor welcoming him in person with great cordiality, and placing at his disposal every facility for advancing his important mission.

On the 25th of April, when the solar eclipse took place, Agassiz, at the Emperor's invitation, spent the day with him in the observatory of the palace. The conversations of that day caused the Professor to remark that all the previous accounts of the accurate and really abstruse scientific acquirements of the Emperor were entirely confirmed; and he was heard to say that, while it had been his fortune to see many of the monarchs of Europe, the Emperor of Brazil was the first for whom he had felt respect for his attainments and character, as transcending official position. It was not, however, in the scientific point of view alone that Agassiz's admiration was excited; but it was to find in the Emperor the most accurate knowledge of our current literature, and a high moral tone when speaking on such a subject as slavery—a subject in regard to which the Emperor, by his deeds and by his expressions, has left no uncertain sound.

Nor was it only in the imperial circle that Agassiz found warm and cordial greeting. Every public journal hailed his coming; his rooms were besieged with Brazilian noblemen, senators, deputies, and other citizens, offering their services. His laboratory (where he and his assistants were engaged in putting up for the great museum of Cambridge the innumerable specimens that flowed in from all sides) was also the scene of many visitors, who did not interrupt the important work in hand.

Professor Agassiz was not unknown in Brazil, for it is an interesting fact that before he was of age, Spix, the companion of Von Martins to South America, in 1817-20, having died, Von Martins could find no one in Europe, with the exception of Agassiz, to classify the large collection of Brazilian fishes. The volume in question was the earliest work of Agassiz, and is today a standard on the subject.

Many courtesies from foreigners as well as Brazilians were extended to Agassiz and his wife —the latter especially receiving marked and gratifying attentions. The Swiss residents of Rio de Janeiro, on the occasion of the Professor's fifty-ninth birthday, gave him a festival, which is described by Mr. Fletcher as being most enthusiastic. The intertwined flags, shields of Switzerland and America, and the sympathetic speeches of the Swiss, showed that their sympathy had been with our Government during the war. Longfellow's poem "To Agassiz on his Fiftieth Birthday" was read, and produced profound emotion.

These personal attentions, however, did not hinder the great purposes for which the expedition went to Brazil. We have already referred to the vast collection of specimens, many of them new to science. Agassiz had not been a fortnight in the country before he discovered

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what he confidently predicted before he left the United States; namely, evidence that in some remote period the glaciers, the great ice rivers and moving plains had flowed over the present home of the most tropical nation in the world. In those palm-covered mountains around Rio de Janeiro he found erratic boulders and deposits of glaciers as in Switzerland, Norway, and Sweden. His last great opponent, Sir Roderick Murchison, has already acknowledged in public that Agassiz was right in his predictions and investigations of glaciers in Great Britain; and geologists, both native and foreign, now in Brazil, have recognized that Agassiz is correct in regard to the glaciers in the tropics, though they had failed, as well as St. Hillaire, Dr. Gardiner, and other naturalists, to observe these striking facts until the investigation of the Swiss glaciers pointed out within the tropic of Capricorn unmistakable evidences of the great snow storm which once covered the globe.

Numerous minor discoveries of great importance to scientific men have been made, but the accounts of these will be published in time by Agassiz himself. They will give a clear idea of the vast mineral riches and other resources of Brazil. Perhaps the most important fact in a commercial point of view is his confirmation of the existence in Brazil of coal of the true carboniferous era. Brazil has hitherto received all her coal at great expense from England; but a few years ago Mr. Nathan Plant, an English geologist, found on the southwestern border of Rio Grande do Sul vast quantities of coal, which has been pronounced by Agassiz, from the fossils which the coal contains, to be the most valuable quality, destined to add immensely to the riches of the country.

The expedition in June and July divided into several parties, two of which are exploring the interior, while the one under the immediate supervision of Professor Agassiz is now exploring the Amazon and its branches in a steamer placed at the Professor's disposal by the Emperor.

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